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Cinema, Race, and Justice: A Qualitative Analysis of Selected Themes.

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by

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ABSTRACT

Cinema, Race, and Justice: A Qualitative

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by

Katherine Clay Thompson

The purpose of this study was to examine 7 different crime and justice films and provide

a content analysis incorporating restorative justice and peacemaking perspectives. The 7

films examined in this study included *12 Angry Men, A Family Thing, American History

X, American Me, Crash, Shawshank Redemption,* and *Traffic*. The researcher examined

the films and used content analysis to examine the behaviors and actions of the

characters. The films were examined using 5 different analytical themes: "embracing

change," "second chances," "hope," "connectedness," and "becoming more human." The

current study found the 7 films examined all displayed both restorative justice and

peacemaking perspectives.

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CHAPTER 1

INTRODUCTION

This study provides a content analysis of a selected group of films incorporating restorative justice and peacemaking themes. By focusing on seven different films, six different restorative justice and peacemaking themes are examined.

The importance of the media is often understated. Often many members of society form their beliefs and knowledge on a variety of topics due to an array of topics that are covered in the media. There are many current films about crime, justice, and criminal behavior. A substantial amount of the information and perceptions about crime and the criminal justice system comes from scenes and characters the public have observed in a variety of different movies. The society in which we live has become consumed with forensic science, law breakers, victims, and those law enforcement agencies that help control and solve crimes. Too often, the public is influenced by how the characters are portrayed (Dowler, 2003). Although there may be substantial criticism of films perceived to encourage bad behaviors in our youth as well as displaying too much violence, in general films that are exceptionally well done may also help teach the viewing audience something not only about society and the criminal justice process but ourselves as well (Shipley & Cavender, 2001). The importance of such films is often understated. Through more fully understanding the lessons such films offer us, we my be encouraged to make small changes that lead to larger, more peaceful ways of living in the world.

Many films are produced each year that stereotype different races, ethnicities, and genders. In the majority of films, African American males are portrayed as characters

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who are drug dealers, violent offenders, and pimps. Examples include, *Boyz in the Hood* and last year's Academy Award nominee film, *Hustle and Flow*. An Oscar was awarded to *Hustle and Flow* for a song, entitled, "It's hard out here for a pimp." In the film, *Panic Room*, Jody Foster's character is trapped in her house when it is being invaded by burglars. The film depicts classic American stereotypes when violent, dangerous black males enter a white woman's house with force (Brown, 2003). The films *Scarface* and *Traffic* show how many Hispanic males are depicted as being involved in drug networks as well as gang activity. After 9-11, many film roles cast Middle Eastern men as terrorists. Films such as *Munich*, *Flight 93,* and *World Trade Center* are based on true events in which persons of Middle Eastern descent plot to harm and kill citizens from other countries. At the same time, many Italian men are cast in movies in which they are represented as being members of the Mafia. While some of the Italian mafia movies are loosely based on true stories, the *Godfather* trilogy as well as *Goodfellas* shows how Italian men are depicted as enforcers and hitmen and are often feared by the rest of the community. Women-- typically white women-- are portrayed in many films primarily as victims. In many Western films as well as some of the more recent Disney movies the cowboys or the prince always comes to save the woman from her troubles and rescue her in the end. While minorities, including women, have been given roles in which they are depicted in stereotypical helpless categories, white males are portrayed in most films as the heroes. Males in most films save women, the day, or even the world, and in the end they become the victor and usually hero. Stereotyping characters in films based upon one's race, ethnicity, and gender is common in many contemporary films (Hedeley, 1994; Finley & Finely, 2004; Shaheen, 2003; Shaw, 2005).

Many contemporary films often show characters who are one dimensional. These films depict characters who do not change or grow over the process of the storyline. Many films portray characters who are clearly the villain or the hero, although the hero usually triumphs in the end. Recent films such as *Assault on Precinct 13*, *Training Day,* and *Hostage* illustrate characters who are white males and perform as "dirty police" officers and who end up saving the day. Even in the movie, *American History X,* which is a film about a white supremacy group whose leader goes to prison and comes out a changed man, the black males who are illustrated in the film are unable to undergo a radical transformation (Finely, 2003). Many characters who are portrayed in films do not undergo such a personal transformation. In "real" life, many of us encounter situations that encourage us to change our behavior and grow as individuals to either become better human beings or even, in some instances, result in a turn for the worse. While films are for entertainment, they would be more realistic and entertaining if characters who are depicted grow and change over the course of the story line just as human beings do over their lifetime

<u>Problem Statement</u>

This study seeks to examine and explore the relationship of restorative justice and peacemaking themes and perspectives in a select group of crime and justice films. These themes will explore personal, social, and criminal justice contexts in each of the films. Using content analysis, the author attempts to gain a better understanding and comprehension of how fictional events in the films compare to the reality of the behavior that is found throughout the three operational areas of the criminal justice system: police, courts, and corrections.

Current Study

A content analysis will also be used to examine the different behaviors that are present in the films' various characters. The characters' behavior will be noted and counted as it fits different analytical themes. By using a content analysis, the author attempts to observe the number of times characters demonstrate behavior that fits into restorative justice and peacemaking perspectives.

The behaviors and the actions that characters display throughout the films will also be discussed in personal, social, and criminal justice contexts. Through exploring personal, social, and criminal justice contexts, as well as the other selected analytical themes, the author of this study hopes to determine if peacemaking and restorative justice perspectives initiate behavior changes and cause the character to engage in transformative movements toward a better life.

In this study, the quantitative data represents the number of times different themes were present throughout the selected films. Even though this is a qualitative study, the majority of the data comes from characters' speech and behaviors that are used to demonstrate the themes displayed in the films selected for this study.

Theoretical Perspective

Peacemaking is a way of examining justice issues that have evolved from ancient wisdom and spiritual traditions such as Buddhism, Christianity, and Islam. This movement has called for others to look inward and examine themselves in the eyes of both the victim and offender (Braswell, McCarthy, & McCarthy, 2005). By placing one's self in the victims' and offenders' shoes, this movement focuses on suffering and healing

as well as mercy and forgiveness. The emphasis on peacemaking is not to simply understand peace but becoming more peaceful within ourselves. By becoming more peaceful individuals, our actions and behaviors are then transformed toward our community and society (Braswell, Fuller, & Lozoff, 2001).

The peacemaking perspective has three core concepts: connectedness, mindfulness, and care. A core aspect of connectedness is the concept of karma, or the law of "cause and effect." By understanding karma, it becomes noted that we all connected to one another and our actions to help and harm others (Braswell et al., 2005). Connectedness includes a personal awareness in which we affirm that life is not always what it appears to be. By becoming more aware, we also become more aware of how we are connected to the physical environment. In turn, what we do to ourselves, we do to each other as well as our environment. The theme of connectedness shows us that we are connected not only to past generations but also to future ones as well. From a criminal justice perspective, the victim and the offender and the guard and the inmate are also connected to one another (Braswell et al., 2001). Lozoff and Braswell write, "We…are all connected; most of use just can't see the glue" (Lozoff & Braswell, 1990, 11). Care is a concept that is derived from utilitarian and deontological views that it is our duty to live compassionately and that we should seek the greatest good for the greatest number of people. The third context is mindfulness, which advocates a way of looking at life with a heightened sense of awareness. The concept of mindfulness allows us to be aware of the world directly around us, but it also allows us to become more conscious of the larger picture. By becoming more aware of the "big picture", mindfulness reminds and reinforces us to have more consideration for others and their needs (Braswell et al.,

2005). By incorporating all three contexts of peacemaking, individuals are able to grow and influence society in a more positive and peaceful manner.

Restorative justice is another concept that is similar to peacemaking. The essence of restorative justice in criminology and criminal justice is to restore not only the victim but the offender to the community whenever possible. Restorative justice is not a concept that is easily defined; it encompasses many practices throughout the criminal justice process such as diversion from prosecution and community-based meetings that take place between the victim and the offender throughout various stages of the criminal justice process (Daly, 2002). Van Ness and Strong (2006) define this movement as "a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior and is best accomplished through cooperative process that includes all stakeholders" (p.43).

Those who follow a restorative justice perspective are more concerned with the victims and their needs rather than retaliation and revenge against the offender. While a victim may have some aspiration for revenge to occur, it is not encouraged (Waldman, 2004). A primary goal of this viewpoint is to encourage reconciliation between the victim and the offender as well as the offender and the community. Through encouraged conversation and negotiation between all parties, discussion about impacts of the incident as well as feelings of hurt and remorse are expected to help encourage parties resolve their issues and move forward and allow forgiveness (Dzur & Wetheimer 2002).

Van Ness and Strong (2006) suggest three key principles in the restorative justice movement. The first is that in order for justice to be accomplished, all of those affected by the crimes must be helped, including the offender, the victim, and the community.

Second, all parties involved should have the equal opportunity to participate in the criminal justice process, whenever they choose to do so. The final principle of this concept is that "we must rethink the relative roles and responsibilities of government and community: in promoting justice, government is responsible for preserving a just order and the community for establishing a just peace" (Van Ness & Strong, p. 46).

Restorative justice is a movement that needs to begin with a personal transformation as well as acceptance of one's wrongdoing and allowing forgiveness of one's self and others' actions. In order to fully accept restoration, one must become accountable for his or her actions both right and wrong (Sullivan & Tifft, 2005). By accepting one's failures and successes, an individual is able to transform, becoming a better human being, and be more aware of one's community.

<div align="center">Five Restorative Justice and Peacemaking Themes</div>

The selected films were examined under content analysis using five themes that were observed throughout the seven movies that were viewed. Analytical themes that were examined include, "embracing change," "second chances," "hope," "connectedness," and "becoming more human".

Embracing Change

Embracing change is a theme that is examined through transformations that characters undergo. Often changes that are embraced by many of the characters are facilitated by fear or anger. Through personal choices, behavior, or interactions with others and lifestyles in general, characters and individuals are often hesitant to be open to changes. As a result, some characters embrace changes in their lives while others do not

make such choices. Mindfulness, a characteristic of peacemaking, is a primary element of becoming aware and embracing the possibilities of change.

Taking Second Chances

The theme of second chances focuses on chances that individuals not only give themselves or receive from others but also second chances that are given to family members and friends as well as the chances that communities may offer. This theme focuses on the second chances that we give other members of our community, both known and unknown**.** Another quality of peacemaking, care, is incorporated into the theme of second chances. Care is integrated with the theme of second chances because often other individuals in our lives as well as those throughout the characters' stories allow them to have second chances in their lives.

Hope

The theme of hope demonstrates how we believe in the chance for positive outcomes even when on occasion there is no apparent reason to believe in the meaning of hope. Hope points toward the possible rather than the probably future. Hope is what allows us not to fear the worst but wish for the best in different individuals, communities, and organizations.

Connectedness

Connectedness instills the belief that when we look at the basic aspects of life, no matter what one's race, gender, or socioeconomic status, we are all human beings and, beyond that, we are all to some extent united with one another. Connectedness also displays a need for individuals to remember what the effects of their own lives will have on other persons even in ways that are not apparent.

<u>Becoming More Human</u>

"Becoming more human" examines the factors of life that cause one to engage in a deeper understanding of one's life and purpose. When one becomes more human, he or she realizes that there are no accidents during the journey called life, that everyone will experience great joys and sadness throughout their lives, but that there are also potential lessons behind all personal experiences. In understanding the lessons learned, one may choose to become a better human being. By facing experiences in their lives that challenge their ways of thinking as well as their behaviors, the characters in the films have the opportunities to overcome fears, accept change, and allow others to enter their lives in powerful and moving ways. As a result, the characters can continue to grow and develop and become better individuals and better members of society.

<div align="center"><u>Selected Films</u></div>

The seven films that were selected incorporate repetitive themes of both peacemaking and restorative justice. Of the films that were selected, all seven address aspects of the criminal justice process. The films' characters also display different forms of restorative justice as well as peacemaking, which is congruent to making positive changes

Crash, is a story that focuses on several main characters who have personal problems and also incorporates a politically charged district attorney, a racist cop, and a detective willing to do anything to protect his family. *Traffic* demonstrates connectedness relative to the "war on drugs." This film shows a United States circuit judge dealing with his daughter's addiction, Mexican police officers who fight against corruption, and the head of a drug cartel's wife who tries to keep their business alive after he is arrested.

Traffic explores how race and justice collide with the escalation of the "war on drugs." *A Family Thing* focuses on a Southern racist business man and his relationship with his long-lost brother and other family members. The film, *12 Angry Men*, deals with issues of prejudice that 12 jury members must face when determining the guilt or innocence of the defendant. *American History X*, a racially charged film, examines hate crimes, prison violence, and various other prison issues, while the primary character undergoes a personal transformation. *Shawshank Redemption* is another prison movie that focuses on the battle inside the prison walls and the personal strength the characters display in order to survive both inside and out of the prison walls. The final film, *American Me*, deals with various issues of the criminal justice system, especially gangs that form and influence the inside and outside world of the prison.

Limitations

There are several limitations to this study. Given the topic and focus of this study, difficulty was encountered when locating previous studies that related to peacemaking and restorative justice and crime and justice films. Because only the author viewed the films and categorized the material into different analytical themes, there could be bias. Of the seven different films that were viewed, only one was loosely based on actual events.

CHAPTER 2

REVIEW OF LITERATURE

In the United States and throughout western societies, the public has become

fascinated with crime and justice. The criminal justice aspects of life are the focus of

newspaper, magazines, books, television broadcast, and films. What is often referred to

as the "mass media" has a large role in the construction of perceptions regarding the

criminal justice system, the law, and criminology (Dowler, 2003). Because citizens'

perceptions of the criminal justice system and the law are often not the result of personal

experiences, rather they are constructed due to the surrounding culture such as various

media outlets (Cook & Bacot, 1993). The public's opinion about law enforcement

officials, victims, deviant behavior, and criminals is often determined based on the

portrayal of those persons in the mass media (Dowler). While many films and movies

influence the public's perception of the criminal justice system and its professionals, very

few films actually provide realistic portrayals (Machura & Ulbrich, 2001). In addition, a

majority of those who watch the "crime and justice" genre of films are unable to discern

the illogical actions of the characters portraying elements of the criminal justice process

(Machura & Ulbrich). The mass media also appear to have constructed a diminished

perception of the working class. Given their portrayal of those persons involved in the

criminal justice system, the media seem to have construed three main classes in society,

the rich, the middle, and the criminal classes. The images of these three classes as well as

the depiction of "good" and "bad" characters are developed through identifications that

are conceptualized with gender, race, and class (Barak, 1994). Because such

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misconceptions are often seen by the viewing public as reality, this can encourage destructive stereotypes and myths.

<center>Police</center>

Police officers often form their own subculture with one another. A subculture is defined as people who inhabit a similar occupational niche and face similar problems that may be culture generating (Van Maanen & Barley, 1984). A subculture also includes subgroups that develop "their own language, norms, time horizons, and perspective of the organizations mission" (Crank, 2004, 45). Isolation within in the police subculture is a characteristic that many officers may face. In order to fit into the subculture, they are likely to seek approval and support from other officers (Alpert & Dunham, 1997). Because isolation is a factor in police work, police officers often want to spend more time with their coworkers specifically for social purposes (Chappell & Piquero, 2004).

Because police officers may feel a sense of pressure to be involved within their own police subculture, peer pressure can involve control issues and even the acceptance of deviance (Kappeler, Sluder, & Alpert, 1994). In such cases, rookie officers may find it more important to fit into the group in order to establish confidence in themselves. The acceptance of such social groups can contribute to police corruption and misconduct, particularly among younger officers. If the subculture condones deviant forms of the behavior, such behavior is more likely to occur, and younger officers are more likely to feel the pressure of the group to participate in such behavior so they are not isolated and chastised (Conser, 1980).

Police officers also have a sense of loyalty and solidarity toward each other that may be unlike any other workplace (Crank, 2004). This relationship is also known as the

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"we-them" attitude and is a belief that many police officers carry throughout their time on the force. Loyalty is considered to be a large part of solidarity (Brown, 1981). Officers often believe the unwritten law that officers will protect each other from the criminal, public, and police administrators (Crank). Officers are reinforced and taught loyalty and solidarity through training (Van Maanen, 1973). While police officers remain loyal to one another, there is also a dark side to solidarity. This silent code of loyalty is often thrust upon officers when corruption and other law breaking behaviors occur. Solidarity is used to keep police officers quiet and instill trust, honor, and loyalty (Crank).

Police corruption throughout the United States is not a new phenomenon of police departments. With the initial formation of police departments, the influence of politicians, criminals, citizens, and peers contributed to deviant acts that police frequently encountered (Chappell & Piquero, 2001). Given that police have a large amount of discretion within their power, it seems surprising that corruption is not more widespread. Police corruption is defined by citizens not only as behavior that is considered criminal or illegal but also unethical and immoral. Because police corruption varies, and different acts may not be considered criminal, this type of behavior is a still considered a violation of their duties. Corruption and misconduct can include various behaviors such as taking bribes, fixing tickets, stealing from crimes scenes, helping friends and family with background checks, and access to other material that is only available to officers of the law (Travis, 2001). These types of unacceptable behaviors also include vice activities such as prostitution, drugs, and gambling (Walker, Spohn, & Delone, 2004).

Carter's study (1990) determined that police corruption is directly associated with the "war on drugs" and drug enforcement. He believes that there are two key reasons for

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corruption: personal benefit and organizational gain. Personal benefit exists when officers take bribes or seize evidence for their own use or to exchange for monetary funds. Organizational corruption involves such acts as lying or committing perjury to gain convictions, planting illegal substances on suspects, and undercover officers engaging in criminal behavior regarding drug transactions. Each of these actions can be used to benefit the goals of the organization.

Police corruption specifically impacts poor urban areas and minorities in particular. Drugs and gambling allow officers to engage in substantial payoffs because the majority of monetary exchanges are done by cash that is untraceable (Crank, 2004). Because the majority of police corruption includes vice crimes such as drug activity, minorities and low income areas are heavily involved (Walker et al., 2004).

Crank (2004) believes that police officers become involved in corruption and misconduct through what he calls the "slippery slope." Officers are first offered such things as free meals and free items such as coffee. What starts off slow with small items can become more frequent and elevated. Police officers may become increasingly desensitized to their unethical and illegal behavior and become more involved in more substantial amounts of corruption and misconduct.

<u>Films and Police</u>

Films about police officers can be classified into several different categories depending on the era in which they were produced. The first wave of crime and police films entered Hollywood between 1946-1965 and advocated a "crime does not pay" message. During this time period, crime films depicted police officers as men enforcing the law based upon moral and ethical reasons in which they rarely used extreme violence.

Between 1966-1975 the era of "lawlessness and disorder" was constructed in the film genre. Police officers were often stereotyped as little more than vigilante style agents, similar to that of Clint Eastwood's character in the "Dirty Harry" series. Law enforcement agencies were often viewed in an unsympathetic light and the use of violence and corruption was prevalent. The most recent period of police films focuses on the "war on crime," which began in 1976 and lasted through the 1990s. Law enforcement agencies during this period were seen as the only people who were smart enough to outwit the criminals and courageous enough to save society from such offenders. Often this portrayal took viewers on a wild ride of action packed sequences in which heroic law enforcement officers successfully took on diabolical criminals (Crawford, 1999).

<div align="center">Courts</div>

Prosecutorial Misconduct

Prosecutors not only have a lot of power in the criminal justice system, they also have a wide range of discretion. The authority to arrest and apprehend criminals falls under the domain of the police officers, while punishment and rehabilitation is directly related to judges as well as correctional officers. Prosecutors, however, have the authority and the discretion to determine which cases and charges are brought into the criminal justice system. Not only do prosecutors have the authority to determine which cases will result in charges, but they also have discretion to determine what information will be displayed to judges and juries during the court proceedings (Gordon & Huber, 2002).

While prosecutors do hold a large amount of discretion, there has been a legal concern regarding abuse of such authority. Because prosecutors determine which cases move through the criminal justice system and what type of evidence is submitted in the

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courtroom, they can pursue cases of questionable merit as well as pursue individuals who are likely to be innocent (Gordon & Huber, 2002). This type of behavior is a type of prosecutorial misconduct. During the criminal justice process, misconduct on the part of the prosecutor can take place during the following processes: presentation to the grand jury, charging decisions, plea negotiations, discovery, trial, and even post-trial conviction appeals. Prosecutorial misconduct is often the result of a variety of different actions including personal remarks and promoting bias. Improper conduct centered around the facts of the cases include allowing false testimony to stand without correction, knowingly presenting false testimony or evidence, making false statements, and not disclosing evidence that is favorable to the defendant (Hetherington, 2002). Prosecutorial misconduct also includes inappropriate comments, knowingly using perjured testimony at trial, and suppression of evidence (Harmon, 2001). Often prosecutorial misconduct that is most frequently caught and results in wrongful convictions occurs in pretrial discovery, the trial, or post-trial appeals (Schoenfeld, 2005).

With respect to prosecutorial misconduct there are several reasons as to why this behavior occurs. Prosecutors are often elected to their position and, therefore, their success is often noted by the number of convictions they gain during their careers. Because prosecutors are specifically representatives of the state, citizens typically trust them to ensure that the public is represented in the court system and that cases are brought forth for appropriate reasons. Prosecutors also engage in misconduct because their behavior is rarely monitored and often disciplinary actions are seldomly taken (Schoenfeld, 2005).

Prosecutors throughout jurisdictions across the country have a large degree of discretion, more than police officers, judges, and many other members of the criminal justice system. While prosecutors are assumed to represent the community at large when trying cases, a majority of the work that prosecutors do is done behind closed doors. The primary work of prosecutors is kept from the public; as a result, it is hard to determine whether or not their actions are always done to benefit the public. When criminal cases are prosecuted by the state, it is also often hard to determine the guilt or innocence of the defendant and often this is even more difficult to determine in terms of citizens' perspectives (Gordon & Huber, 2002).

In the end prosecutors want what every professional wants, to be a success in their job (Schoenfeld, 2005). Success from district attorneys and assistant district attorneys are likely to determine advancement in their careers relative to the number of convictions that they are able to gain through prosecution (Ferguson-Gilbert, 2001). Because the majority of successes in the careers of prosecutors are based on the number of convictions, it may be difficult for the average citizen to have an adequate understanding of the intentions of the prosecutors and whether or not they acted in accordance with the public's values of legal norms. Because the majority of voters do not have the time to investigate each case much less the prosecutor's intentions and performance, voters tend to rely on the number of convictions that were gained with respect to the state counsel (Gordon & Huber, 2002).

During their study, Gordon and Huber (2002) found that while it was difficult to determine how voters choose their representatives, voters tended to re-elect the prosecutors who obtained convictions and punished those who lost at trial by not

re-electing them into office. Therefore, prosecutors are motivated in the workplace to gain convictions because their position is determined by successful convictions throughout the criminal court. By defining success in terms of convictions, prosecutors may be motivated to act in deviant ways in order to obtain more convictions (Schoenfeld, 2005).

Throughout jurisdictions across the United States, including local, state, and federal levels, the public entrusts prosecutors to gain knowledge about cases and use their specific skills to prosecute cases on behalf of the community as well as society as a whole (Guerrieri, 2001). The public bestows a large amount of trust on individual prosecutors who have the power to punish those who break the laws. Unfortunately the trust relationship that citizens have with prosecutors is often unbalanced. Prosecutors often hold the majority of the trust because of their knowledge of cases that citizens often are unaware of. They also are able to use their discretion to control areas of the criminal justice system as well as those who break the laws. Finally, prosecutors are able to use their position for their own well being (Schoenfeld, 2002). When prosecutors break the role of trust that is established between themselves and community, it results in a direct violation, prosecutorial misconduct.

Prosecutorial misconduct occurs in part due to the amount of work that is done behind closed doors. The daily work of prosecutors is often not seen and observed by the public; therefore, the public does not have the ability to examine the work that is being accomplished (Schoenfeld, 2002). Another issue with prosecutors and their work is the structure in which they are monitored. Often because prosecutors are so highly trusted,

information may be blocked not only from outsiders but often with often criminal justice professionals (Shapiro, 1990).

Because the position of the prosecutor is highly entrusted, such individuals often are able to get away with prosecutorial misconduct and are rarely punished when their behavior is discovered. Legal practices are largely self-regulated by institutions such as the state bar association. Often, complaints against lawyers and prosecutors are conducted within the professional field (Arnold & Hagan, 1992).While state bar associations or other disciplinary agencies do provide punishment such as temporary suspension or even permanent dismissal, such sanctions are unlikely to occur (Meares, 1995).

When wrongful convictions do occur and are the result of prosecutorial misconduct, there is often little punishment that occurs through civil and criminal sanctions. Prosecutors are typically granted immunity from being tried with civil actions even if their behavior inflicted direct harm to the defendant. Unlike civil penalties, prosecutors are not granted immunity from the criminal courts even though prosecution through the criminal court very rarely occurs. When prosecutors are charged with misconduct, it not only calls the entire office into question but also casts a shadow of doubt on all other members of the particular case (Schoenfeld, 2002). Because prosecutors are unlikely to see indictments from the state bar or charges in either civil or criminal courts, opportunities are created that allow them to use misconduct in order to engage in cases that will continue to give them another conviction on their legal score cards.

Eyewitness Testimony

Another key issue with wrongful convictions concerns eye-witnesses and their testimony. Typically eye-witness testimony is commonly found in cases in which there are victims present (Gross, 1996). When there are witnesses present in homicide investigations, their memory is often faulty. There are many studies in other fields in which researchers examine the faulty memory of individuals. Often it is very difficult to determine whether or not the memory one has is inaccurate or if is based on one's imagination or suggestions by others (Loftus, 2002). Eyewitness and identification of suspects is a stage in the criminal justice system that is often called into question because of the interactions that police officers have with different individuals as well as the information and different hints that eye-witnesses are given before they identify someone as the suspect.

Defense Representation

Since the 1960s the Sixth Amendment, "the right to counsel," has been interpreted by the United States Supreme Court as a right that all defendants have. Often this comes into question when there are indigent defendants, those who are unable to afford their own attorney. Because most of these offenders have limited funds, they are then granted public defenders. Sometimes, the defense may be jeopardized due to the expertise of such a lawyer (Harmon, 2001). Currently there are three ways in which counsel is appointed for indigent defendants: assigned, contracted, or public defender (Cole & Gertz, 1998). For the purpose of this study, the public defender will be the approached focused upon.

While public defenders are specialists in criminal law, they are employed by the government and often paid lower salaries in comparison to private attorneys. A public

defender often has trouble gaining the trust and full cooperation of the client. Not only

must public defenders deal with their clients who are distrustful, they also typically have

very large caseloads. Public defenders tend to work through their cases very quickly and

in turn may do the minimal amount of work that is needed on some cases. Cases tend to

be viewed as numbers more than individuals because their job is often very routine and

repetitive (Cole & Getz, 1998). More often than not, the poor are charged with such

crimes that they are more likely to encounter all aspects of the criminal justice system,

and are represented by counsel that has less commitment, resources, and sometimes less

skill regarding legal representation. (Bright, 1994).As a result, wrongful convictions may

be more likely to occur.

The Sixth Amendment of the Constitution guarantees, the "right to trial by a jury"

for any one who is charged with an offense that could receive a punishment of more than

6 months imprisonment. That right granted by the court further states that a jury will

consist of members who are fair, impartial, and the defendant's peers (Turner, 1996). The

concept of a jury of one's peers has been interpreted by the court as the defendant to not

be tried by a biased jury, but rather one that is impartial. A jury of one's peers does not

refer to juror members coming from the same position in society or specific

characteristics such as race, gender, or socioeconomic status of the defendant, but rather a

jury member who is able to see the defendant's actions in context. An impartial juror is a

member who is able to make a judgment on a case due to the evidence that is presented in

court rather than characteristics of the defendant (Barber, 1994).

In the past decade, issues within the jury system and the representation of

minorities and the poor have become the center of a great deal of controversy (Fukurai,

Butler, & Krooth, 1991). While there have been great strides gained for both minorities

and women and their representation within the criminal justice system, especially the

courts, there still a large amount of racial and gender bias that occur on juries. Often

women, blacks, young individuals, the less educated, and the poor are typically

underrepresented in jury pools (Benokraitis & Griffin-Keene, 1982).

<u>Race and Jury Selection</u>

In the United States, jury members have historically shown some degree of racial

prejudice toward African-Americans. An African-American man was convicted by an all

white jury for murder in *Strauder v West Virginia* (1880) and appealed his conviction due

to a violation of the Equal Protection Clause of the Fourteenth Amendment. At the time

of Strauder's conviction African-Americans were excluded from serving on juries. The

court ruled that excluding blacks from juries simply because of their race was a violation

of the Fourteenth Amendment. The court further ruled that exclusion of African-

Americans from juries violated the rights of a black defendant but did not violate the

right of potential jury members.

In the case, *Swain v Alabama*, an African American was sentenced to death after

an all white jury found him guilty of rape in 1965. The US Supreme Court denied the

appeal on the account that there were no black jurors present even through the black

community comprised 26% eligible jurors. The case was denied appeal because 8 of the

100 possible jury members were African America, although they were struck due to the

peremptory challenge. In *Swain v Alabama*, the court recognized that peremptory

challenges were valid if they were not used intentionally to exclude black jury members.

Finally, with *Batson v Kentucky* (1986) the court ruled that prosecutor's use of peremptory challenges is valid but may not be used to dismiss potential jury members solely based on an individual's race. While *Batson v Kentucky* made clear that potential juror members cannot be excluded because of race, this ruling was not a guarantee that individuals will not be struck simply because of race, sexism, or even ageism (Fukurai, Butler, & Krooth, 1991).

Minorities also are excluded from juries for many other reasons beside the color of their skin. Some jurisdictions select potential jury members from voter registration lists. Often minorities and the poor do not register to vote. By failing to register to vote in these particular jurisdictions, minorities and the poor exclude themselves from serving as potential jurors (Benokraitis & Griffin-Keene, 1982). Another factor that affects jury participation among different minorities is the response to jury summonses and qualification questionnaires that are sent through the mail. Typically, those who are poor, as well as minorities, tend to fail to respond more frequently than other social groups in the United States. Lower socioeconomic status groups and minorities move more frequently than others due to work and other instabilities of their occupations and, therefore, are unable to be reached for prospect jury service (Fukurai et al., 1991).

Issues with Discrimination on Juries

Fukurai et al. (1991) examined several ways in which minorities are systematically and institutionally unequal with representation regarding the jury participation. First, the "blue ribbon jury" excludes minorities. Under this type of systematic approach to select jury members, jurors are preferred based on qualifications that they posses such as race, gender, or socioeconomic status and personal beliefs to the

specific case that is being tried. Second, smaller juries tend to undercut and exclude

minorities from participation. When juries are smaller, minorities tend to be excluded

from the decision-making process. Finally, when it comes to selecting jury members,

districts or areas that have high populations of minorities may be systematically excluded

while focusing on majority neighborhoods. When the jury members who are selected are

primarily chosen from specific neighborhoods, often disregarding neighborhoods in

which minorities live, the decision making process is then determined on the beliefs of

only a specific segment of the population that excludes the minorities.

<u>Jury Instructions</u>

Once prosecution and defense attorneys have stated their closing arguments, the

judge will instruct the jury how to determine a verdict. Often jury instructions given by

the judge are rather lengthy. The most critical component is the specification in of the

"burden of proof criterion." Often the burden of proof is successfully met in criminal

trials when the prosecution is able to present the facts that will persuade the jury "beyond

a reasonable doubt" (Horowitz & Kirkpatrick, 1996). While the jury instructions are

rather complex and different formats do exist, all state and give a definition of

"reasonable doubt." (Robinson, 2005). There are many different variations to the

definition of reasonable doubt because the United States Supreme Court has never ruled

on a definition that all courts must abide by (Horowitz & Kirkpatrick). Currently, there

are several definitions that are noted by the Supreme Court to be acceptable throughout

the court system. In the case Sandoval v. California (1994) the clause "to a moral

certainty" was found not to be unconstitutional but unaccepted because "the context of

the full instructions illuminated this arcane phrase." Also in the Scandoval case, the

phrase, "you have an 'abiding conviction' as to the defendant's guilty" was approved and found not to be unconstitutional. In the case of the United States v. Daniel, in 1993, the Court found that the definition means "a real doubt based upon reason and common sense after a careful and impartial consideration of all the evidence in the case." Reasonable doubt is described as "the state of mind of a juror in which, after comparison and consideration of all the evidence, they cannot say that they feel an abiding conviction, a moral certainty, of the truth of a criminal charge against a defendant" (Rush, 2000, p.113). In other words, if another theory of the crime that has occurred has the possibility of being true, then the jury must find the defendant not guilty under the law.

Often jury instructions are rather lengthy. Some jurors may spend up to 2 hours listening to a judge go through detailed instructions on the law, the case, and the evidence that was presented in court (Shaw & Skolnick, 1995). Because the jury instructions are frequently written in legal language, many studies have shown that jurors do not fully understand and comprehend the instructions they are given by a judge (Dattu, 1998; Kramer & Koening, 1990; Lind, 1982; Steele & Thornburg, 1991).

Judges do have the discretionary power to determine when the directions are to be given to the jury even though most read the instructions after all of the evidence has been presented (Shaw & Skolnick, 1995). Heuer and Penrod (1989) found that pretrial instructions may be more beneficial to the decision-making process of the jury. When instructions were read before evidence was presented, the jurors were more likely to follow the legal guidelines in their verdict. When Kassin and Wrightsman (1979) studied a mock jury and read the instruction after the evidence was presented, they found that

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many jurors may have already formed their own opinions and disregarded the legal guidelines of the instructions.

Effects of Diversity

While it is well documented that a group's composition can affect the performance and decision of the group, the diversity of the group is called into question as to whether or not the heterogeneity or homogeneity of the group enhances the decision-making process. Previous studies show that heterogeneity of a group improves the decision making and conclusion process (Kerr, Hymes, Anderson, & Weathers, 1995; Sommers & Ellsworth, 2003). On the other hand, researchers also believe that heterogeneity reduces the amount of group communication (Zenger & Lawrence, 1989) as well as decreases the group solidity and morale (O'Reily, Caldwell, & Barnett, 1989).

When juries are not a homogenous collection of citizens, the decision-making process can be varied. Racial composition and socioeconomic status might influence the information that is analyzed in the deliberation room as well as in the decision-making process. When jurors enter the deliberation room, those with different social status as well as race may enter the room with a different verdict in mind and during the deliberation they may also bring into consideration a variety of personal experience, concrete knowledge, and social perspectives. When jurors are racially and even socially or economically heterogeneous, juror members may experience a wider range of viewpoints as well as interpretations than a jury that is more homogeneous (Sommer & Ellsworth, 2003).

In heterogeneous groups, if the group is able to work through the initial conflict of having a diverse collection of individuals, group performance and problem-solving

techniques may be enhanced after examining different perspectives (Sommers, 2006).

Not only are groups of diverse backgrounds, socioeconomic status, and race able to bring

different aspects to the decision-making process, but heterogeneous groups are also able

to increase creativity and information sharing (Nemeth 1995; Phillips, Manniz, Neale, &

Gruenfeld, 2004). By enhancing the diversity of a jury, the ways in which evidence is

examined and evaluated is also improved by showing that the decision has been made

from heterogeneous representation of the society from which the jurors come (Ellis &

Diamond, 2003).

In the deliberation room white and black jurors bring in different perspectives

when it comes to racism. Overall, the research shows that there is not a consistency as to

whether or not juror members of different races examine the race of the defendant when

coming to a decision. According to research (McGowen & King, 1982; Poulson, 1990)

white juror members tend to avoid racism and prejudicial explanations for the crimes.

Black jurors on the other hand are more likely to examine the institutional bias that

minorities face in the legal system. At the same time, several studies showed that when

white juror members were involved with cases of black defendants, the black defendant

was more likely to be sentenced harshly than a white defendant (DeSantis & Kayson,

1997; Hymes, Leinart, Rowe, & Rogers, 1993; Klein & Creech, 1983; Mazzella &

Feingold, 1994; Sweeney & Haney, 1992). Focusing on the racial basis of the legal

system could explain why black jurors are more likely to be lenient when making

decisions about black defendants (Sommer & Ellsworth, 2003). While different races and

socioeconomic statuses offer different perspectives in the deliberation room, researchers

(Fein, Morgan, Norton, & Sommers, 1997; Shaw & Skolnick, 1997) believe that whites

and blacks examine racial basis very differently which in turn have an effect on the conviction rates that are given to specific defenders.

Furthermore, research has also shown that there are several patterns as well as stereotypes in which potential jurors will vote specifically based on their race as well as the race of the defendant. Turner et al. (1996) found that prosecutors and defense attorneys both believed and agreed that black jurors were more likely to vote for an acquittal where white juror members were more likely to vote for a conviction. When examining the conviction rates that are given by white juries to a defendant who is not white, convictions rates are higher (Bowers, Steiner, & Snadys 2001; Daudistel, Hosch, Holmes, & Graves 1999).

In a study by Foley and Chamblin (1982), mock jury members listened to an audio-tape rape trial where the race of the defendant varied. White jurors were more likely to convict black defendants than white defendants. At the same time, black juror's decisions did not appear to be influenced or have a correlation with respect to the defendant's race.

Jury Decision-Making Process

While there has been much research with the use of mock jurors to determine what occurs in jury deliberations, no one but the jurors know exactly what goes on in the jury because the law directly prohibits observation of any kind of authentic juries (Tanford & Penrod, 1986). Studies that use mock juries show that the law is not always followed to the fullest, and jurors make decisions on other variables such as race, ethnicity, sex, and prior criminal record (Sommers, 2006). A study by Ugwuegbu (1976) found that African-American jurors are more likely to have negative attitude toward a

white defendant. At the same time, white jury members are more likely to sentence

African-Americans more frequently with longer sentences than whites (Pfeifer & Ogloff,

1991). When gender comes into question, adolescent females are more likely to be

sentenced harshly than young boys even when the crimes are similar to one another

(Cohen & Peterson, 1981). When the defendants are adults, women juror members tend

to convict and sentence less harshly than male juror members (Chesney-Lind, 1973;

McGlynn, Megas, & Benson, 1976). Often, males tend to feel a sense of paternalism

when women are on trial and try to protect them.

In a majority of the jurisdictions in the United States, decisions that are made by

juries much be done so by unanimous judgment (Brooks, 2004). There are only a few

states including Texas, Oregon, Oklahoma, Montana, and Louisiana that allow juries to

make a conclusion on the basis of a majority (Cole & Smith, 2001). When juries are

unable to reach a unanimous decision in states and jurisdictions that require a unanimous

decision, the jury is considered to be hung and a new trial must begin with a new set of

jurors. Because it only takes one juror in most cases for the jury to become hung, it is

assumed that jurors of the majority vote tend to try and persuade the others to agree with

the majority in order to reach a unanimous conclusion (Brooks, 2004).

Films and the Courts

The courtroom in the criminal justice system has been used with dramatic effect

in the film industry. The court system is an area where dramatic tension can be easily

built upon (Greenfield & Osborn, 1999). While the courts are used to exploit dramatic

issues, the portrayal of the action in the courtroom as well as the behavior of those

persons involved is often far removed from the realties of a typical courtroom. Courtroom

dramas often deal with explosive criminal offenses, blind prosecutors, and erratic jury deliberations, while the reality of the courtroom seems to be much more stable. Court cases that enter a courtroom are more often civil than criminal. Prosecutors tend to be well-educated, and often those cases in which juries are needed are only a small percentage given the use of plea-bargaining. In the real world, a criminal trial by jury is usually seen as the last resort (Machura & Ulbrich, 2001).

<div align="center">Corrections</div>

Deprivations of Imprisonment

Sykes (1958) examined prisoners who were incarcerated in facilities throughout the country and concluded that these individuals encounter different types of deprivations while imprisoned. While being incarcerated, prisoners experience deprivations of their liberties, good and services, autonomy, security, and heterosexual relationships. Prisons and jails are designed for criminals to serve a sentence as a punishment for offenses they have committed. While prisons may be designed to be unpleasant, deny freedom of movement, and eliminate choices, it seems reasonable to assume that the effects of being incarcerated in such an environment would be destructive and disparaging for many of the inmates (Wright, 1991).

When one is imprisoned, there is no doubt that the inmates are also deprived of their liberties. When prisoners are sentenced to a term in prison, they lose their liberties, through the confinement within the institution and in their cells (Sykes, 1958). The prison cell represents a bare living facility within the larger institution that is isolated from society by stone walls and electric fences with strategically placed razor wire and

looming guard towers. The cells themselves are often arranged within tiers, stacked one

on top of one another (Johnson & Chernoff, 2002).

While prisoners are maintained within the institutional walls, their movement is

restricted with the exception of actively in their own cells. Prisoners also experience loss

of liberties through the loss of personal relationships and attachments with their families

as well as the outside community. Inmates are cut off from friends and family with the

exception of visitations and mail. Prisoners are reminded on a daily basis of the offense

they committed and that they will no longer be considered to have the full fledged status

of a trustworthy citizen (Sykes, 1958).

The state must take over the responsibility to make sure that prisoners have

enough "goods and services" with which they will be able to maintain basic needs.

Prisoners receive adequate meals, have the opportunity to exercise, and also have the

access to adequate medical care when needed. Prisoners no longer have access to the

items that they had when they were living in society. Inmates are not allowed access to

personal non-issued clothing, furnishings, or privacy (Sykes, 1958). The deprivation

model that was developed by Sykes suggests that prisoners are deprived of goods and

services, but with changes in the prison system there are new policies that allow inmates

to receive more personal goods and other services. Inmates now have access to more

mail, education, telephone contact, visitations, and television; all are privileges that

attempt to foster a connection between the prisoner and the outside world (Riley, 2002).

Although those who are incarcerated today are allowed access to more goods and

services than those who were imprisoned in the past, the majority of freedoms, products,

and services that most of the public take for granted are not allowed in correctional facilities.

Those who are incarcerated also endure the loss of autonomy. Inmates are required to follow orders and commands from guards who control their lives while they are incapacitated (Sykes, 1958). Inmates must also conform to a new regimen that is used throughout prisons as a way in which guards and other correctional personnel use security measure to control inmates and their behavior. The regimen includes prison programs, behavior and personality of the prison staff, the prison management, access to rehabilitation and other programs, and, finally, other aspects of prison experience and stress such as overcrowding, medical care, food, and even showers (Camp & Gaes, 2005).

Like outside society, prisons also have their own culture. A prison culture is described as "the collective, shared values and norms of inmates in any given prison" (Camp & Gaes, 2005, p.429). While every prison and correctional facility has its own set of rules and regulations as well as values and norms that the inmates share, research has shown that facilities do foster a prison culture (Irwin, 1962; Jacobs, 1976). As well as the different forms of deprivations that inmates face while being incarcerated, they must also become accustomed to the culture within the prison walls in order to survive and serve their sentence.

Another major issues concern the security of prisoners. Inmates are placed in confined areas with other individuals who often have violent and aggressive tendencies (Sykes, 1958). Even though prisons house violent and voracious individuals, not all inmates are dangerous (Riley, 2002). A majority of prisoners will face experiences in

which they will be tested by other inmates and may have to fight for their possessions or possibly even their lives (Sykes). Prisoners may be tested at any time by other inmates who perceive them as weak (Riley, 2002). While all prisoners do not live in fear of encountering violence in the prison, the possibility of protection is a rarity and only guaranteed by protecting one's self (Sykes). Prison life is full of unpredictable situations and can become volatile when individuals are exposed to violence. Security is a major issue within prisons not only for the inmates but also correctional officers who try to prevent behaviors from escalading into violent acts.

The final deprivation that Sykes (1958) examined was the denial of heterosexual relationships. While some prisons across the world allow for conjugal visits, not all prisons or jails allow inmates to have access to conjugal visitations. While incarcerated, male inmates undergo a lost of heterosexual relationships, which leads to sexual frustrations. While heterosexual relationships are deprived in prison, they are often still on the minds of many of the inmates. Even though there are some inmates who are homosexuals, heterosexual inmates can be victimized by other aggressive prisoners who have turned to homosexuality as a way to relieve their sexual frustration.

Since Sykes' (1958) work and analysis of prisons was conducted in the 1950s, many aspects of prison life have changed. In the past such issues as prison gangs, AIDS, prisoners' rights movement, placement for the mentally ill, the increase of inmates and prison populations, and the conservative shift in correctional philosophy were, perhaps, not as prominent during his original study. Sykes did not examine issues such as race, power, and identity. Even though Sykes work was done 50 years ago, many researchers still find the deprivation model to be relevant to life in prison today although through

there have been many changes that have occurred in contemporary correctional facilities (Riley, 2002).

<u>Psychological Effects</u>

According to Haney (2003), the adaptation to imprisonment is a difficult journey. Often, the psychological effects of imprisonment vary from individual to individual. Still, few people who undergo incarceration remain unchanged or unharmed from the experience. Those who undergo incarceration for any period of time typically are subjected to different forms of pain and deprivation and unusual patterns of life as well as diverse ways of interacting with other individuals including other inmates and authority figures. Because incarceration affects people in various ways, some people deteriorate, while some seem to remain largely unaffected (Butstel & Kilmann, 1980). For some individuals who are imprisoned the psychological consequences produce negative and long-lasting consequences.

Two terms that are used to explain the effects of imprisonment are "institutionalization" and "prisonization." The specific terms refer to the process by which incarcerated individuals are transformed by the prison environment and all of its components in which they live. Often, this transformation involves the incorporation of the norms of prison culture into one's everyday life. The process of becoming institutionalized in a prison setting tends to be a gradual transformation. When first entering the institution, inmates often are forced to adapt to a routine as they encounter deprivations and live in conditions that are less than comfortable. After individuals become more accustomed to prison life, they may begin to accept the prison culture as the norm and no longer as a foreign way of life. While prisoners may not agree and

openly accept the behavioral and cultural changes in their lives, they typically surrender to it and view it as an accepted way of living. A problem with becoming institutionalized in prison is that many of the inmates may not realize that such psychological effects have occurred. As a result, when they are released from prison, inmates often have a hard time adjusting back into society.

Prisoners not only feel a loss through connections of family members and friends, they may also feel a loss of self-worth. Once incarcerated, they are not longer referred to as citizens, but as prisoners, which causes them to have little to no control over their identity and even the person with whom they share a living space. A major part of becoming "institutionalized" is a diminished sense of one's self-worth. Inmates are aware that they are no longer normal citizens but prisoners. By internalizing the fact that they are prisoners, having a much lower status in society than persons who have been incarcerated, inmates may begin to believe that they are the type of people who deserved to be incarcerated and secluded from society, their friends, and family (Haney, 2003).

Overcrowding

Currently in the United States there are over two million individuals, men and women, incarcerated on a daily basis. Crime has decreased over the past 9 years, but the prison population continues to increase at an alarming rate. While the United States boasts only five percent of the world's population, nearly one quarter of the world's prisoners are located within United States' prisons. In comparison to other Western industrialized countries, the Unites States' incarceration rate is between 6 and 10 times greater than any other nation. In the state of California alone more prisoners are incapacitated than Japan, Great Britain, Germany, France, Singapore, and the

Netherlands combined (Leder, 2004). Throughout the United States the number of prisoners are sentenced to be incarcerated each year causes the correctional system and facilities to become overcrowded. Overcrowding becomes a significant factor regarding many different behavioral problems, disease, and other issues that inmates and correctional officers face on a daily basis.

When prisons become overcrowded, inmates typically experience more stress in their living situations than when the prison is less crowded. Inmates typically are less tolerant of living conditions that are overcrowded (Paulus, Cox, McCain, & Chandler 1975). In the same study, Paulus et al. also found that the number of individuals in an inmate's living unit was more determinant of stress than spatial density. While the prison environment is typically stable due to the routines and regimens by which prisoners live each day, small disruptions or changes can lead to an escalation of stress. Stress typically occurs when the inmates' environment has reached capacity (Paulus et al.). With changes that occur in the prison and stresses that the prisoners face, small daily disruptions such as minor or major policy changes can lead to an escalation of violence (Wright, 1991).

When inmates become more stressed and experience psychological issues, they are more likely to engage in violent acts against other inmates or correctional officers. Often mass incarceration leads to irritability and increased violence among inmates (Jan, 1980). Research shows that there is a positive relationship between increased population density and the number of incidence reports that are filed against inmates for various disciplinary infractions (Megargee 1977; Nacci, Prather, & Teitelbaum, 1977; Paulus et al., 1975). Paulus et al. found that the amount of space per inmate had more of an effect on one's behavior than fluctuations in the number of individuals living in specific

quarters. Research has shown that correctional facilities that tend to be more overcrowded and have larger population density per square foot of living space have more behavioral problems, disciplinary actions, and violent behaviors.

Overcrowding increases the harmful effect of the psychological and behavioral well-being of inmates (Huey & McNulty, 2005). Due to overcrowding, prisoners are deprived of privileges more frequently than prisons that operate at or below capacity. Often, they are refused extra correctional rehabilitation services and are often denied some essential services (Toch, 1985).

Violent behaviors are directly related to overcrowding as well as characteristics of staff and correctional offices, classification process, facility design, and programs that inmates are allowed to participate in (Sechrest, 1991). Social scientists believe that overcrowding within prisons affects prisoners in two ways with respect to violence. First, overcrowding causes physiological problems, which elevates stress levels and, in turn, causes "arousal levels" of the inmates to escalate and result in more harmful behaviors. In addition, when correctional facilities become overcrowded, there is more uncertainty regarding control (Gaes, 1994). When there is less control found in penitentiaries, there tends to be more inmate outbursts and violence as well as other behavioral problems.

Gangs in Prison

In recent years, there has been a rise in gangs located within the prison walls. Gangs are defined as a group large or small that has a name, common symbols, a territory, a meeting place or pattern, and an organization toward criminality (Toller & Tsagaris, 1996). By the mid-1990s the prominence of gangs became problematic throughout the entire criminal justice system and was no longer seen as just a threat

throughout the Southwest and California (Marcell, 2006). In California, there are four

main gangs within the prison walls that have been identified, the Black Brotherhood, the

Aryan Brotherhood, and two Chicano gangs, the Mexican Mafia, "EME," and ghetto

Chicanos "Nostra Familia." (Allen & Simerson, 2001). By 1990 there were eight

different gangs within Texas state prisons including, the Aryan Brotherhood, Mandingo

Warriors, predominately a Black gang, and the Texas Syndicate, which is mainly

Hispanics (Walker, 2004).

A study done by Hunt, Riegal, Morales, and Waldorf (1993) focused directly on

the correctional facilities in Northern California, specifically in the Oakland and San

Francisco area, with offenders who were recently released from prisons and had

affiliation with gangs located in and out of the prison walls. Of the 39 men who were

interviewed, 46% stated that they were gang members and 38% said that they were active

with gangs prior to their incarcerations. Of the respondents the majority were Chicanos

(16) and African Americans (14), while there were 5 whites, 2 Native Americans, 1

whose ethnicity was French Creole, and 1 Chilean. The ages ranged from 19 years to 60

years old.

During their study, Hunt et al. (1993) found that the first prison gang was the

Mexican Mafia. Chicano members began their gang in order to intimidate and earn the

respect from Chicanos who were from the northern part of the state. Other Chicano gangs

include the La Nuestra Familia and the Mexican Mafia. All three Chicano gangs follow

the use of paramilitary style construction with a hierarchy of leaders. The Mexican Mafia

differs from other Chicano gangs because they are generally Mexican Americans and

often oppose other Chicanos, as they are perceived to be soft and too "Americanized."

While Chicano gangs in the Northern California were found to be well organized and prevalent, there were also organizations that were formed by African Americans and white prisoners. The Aryan Brotherhood at the time of the study was the only white gang that was found within California's penal system. This specific gang originated in 1960s by a three-man commission and a nine-man council. Typically this affiliation recruited white males who supported the white supremacist movement as well as outlaw motorcycle gangs. The most influential African-American gang that was found within the prison system was the Black Guerilla Family which is deemed as one of the most dangerous prison gangs due to occurrences of assaults on prison guards (Hunt et al., 1993).

While the majority of prison gang studies have shown that there are three main Chicano gangs, the Aryan brotherhood, and the Black Guerilla Family, as the prison system grows, there are many changes that occur within the prison walls with gang association and formation. Hunt et al. (1993) found that Chicano gangs have further split to "Surenos" and "Nortenos", otherwise known as a regional separation of the northern and southern areas of the state of California. As well as the regional division, there are two other groups that have formed, the Border Brothers, who are less controversial because they tend to stick to themselves only communicating in Spanish, and New Structure, whose beginnings is impossible to determine. Black gangs have also further increased with the Crips, the largest street gang from the Los Angeles area, the Bloods a rival gang of the Crips, and finally the 415, those from the San Francisco area (hence the name 415 for those who come from the telephone area code). The third and new type of gang within the prison is what older inmates call the "Pepsi Generation." Typically these

individuals are younger inmates who share no respect for older inmates and are more likely to resort to violence and erratic behavior.

Gangs that are commonly found within correctional departments typically originate from street gangs. The majority of the gangs that are located within the prison walls have their origins in the streets and are formed due to racial or ethnic similarities between members (Allen & Simerson, 2001). In prisons the majority of active members of these different organizations are individuals who range in age from 18-25 and have affiliations of street gangs (Marcell, 2006). Often, the gangs that are found within the corrections system are well-structured and organized and maintain a distinguished hierarchy (Hensley, 2002). Because gangs that are located inside of prisons have ties to the outside street gangs, when gang leaders are imprisoned they are able to not only control the street gangs but the prison gangs as well. (Toller & Tsagaris, 1996).

Prison gangs have formed and developed relationships in the prisons in turn causing a way for inmates to gain power and protection from other prisoners and even correctional staff (Allen & Simerson, 2001). While in prison, a majority of the activity that occurs with different gangs concern the distribution of different items that are considered contraband within the prison walls such as drugs and alcohol (Hensley, 2001). Where prison gangs exist, the violence rate tends to be higher because of the lack of respect for formal rules (Fleisher & Deckler, 2001). In Shelden's study (1991), he found that gang members were more likely to have higher rates of fighting offenses, disciplinary offenses, and drug offenses. When offenders are sentenced to a term in prisons during their first few years (also known as their formative years) in prisons, they are more likely to result in gang affiliations that are related to their age, ethnicity, prior

incarceration, and violent history (Griffin & Hepburn, 2006). Gangs are able to control different areas of the prison and corrections system by assaults, murders, and fear and intimidation of their rivals and even their own members (Perry, 2006).

When contraband is distributed throughout the prison by different gangs, the individual who benefited or received the service is expected to repay the other inmates through monetary gains or physical confrontation. Inmates will also repay their goods on occasion through sexual acts. Often, if an individual is unable to repay the gang through some type of payment, a physical assault or even sexual assault can occur (Hensley, 2002).

Correctional Officers

Correctional officers' work is not only hidden from everyday society, but it may be also considered to be morally tainted and referred to as "babysitters" and "scum" not only by inmates but also by other law enforcement employees (Tracy & Scott, 2006).Correctional officers often complain that they are viewed as lazy and brutal not only by outsiders but by other members of the law enforcement community. It has been reported that some police officers typically refer to correctional officers as "the scum of law enforcement." (Tracy, 2004).

While correctional officers are given tainted nicknames for the work by they do, their occupation is considered to be a job that qualifies as "dirty work." Correctional officers must work with prisoners and learn to manipulate, control, and distance themselves from those whom they are supposed to oversee. Often, those who work in corrections are identified by others and even themselves are not being that different from those the general populations whom they are suppose to control, also known as the

keepers and kept (Tracy, 2004). In a qualitative study conducted by Tracy, a correctional officer stated that "we ain't correctin' nothing." Often, the officers play a variety of roles including babysitter, flight attendant, disciplinarian, and counselor (p. 510). As one of the many roles that correctional officers play, they are in control of watching inmates in the bathroom to ensure that contraband is not being passed into the penitentiary. They also conduct strip searches and are responsible for cleaning up the messes of inmates (Tracy & Scott, 2006).

While the work of correctional officers may be tainted due to the nature of their work and their interaction with inmates, those who work in prison also continue to have a high "burn-out" rate in comparison with many other occupations. Correctional officers experience a medium to high level of burn-out for a number of reasons that include danger, strained relationships with inmates, coworkers, and administrators, overcrowding, lack of staff, negative personal and social images, and the lack of support from family and friends (Huckabee, 1992). While inmates have access to some resources such as counselors to help them deal with the stress of being incarcerated, correctional officers have very limited resources to help them deal with the stress they face on the job (Morgan, Van Haveren, & Pearson, 2002). Officers often complain that their friends and family do not understand their jobs and, therefore, are left with every few individuals to communicate job-related concerns (Tracy, 2004).

In order to deal with the stress that the prison situation fosters, correctional officers display different personas in order gain respect from inmates and coworkers. In Faraks'(2000) research she classified correctional officers into six different typologies. The typologies classify correctional officer in ways in which they interact with inmates

and display control and involve their attitudes in their work and what type of prison environment they work in and their ages.

The first classification of a correctional officer is the "rule enforcer". A "rule enforcer" is often rule-bound and inflexible with disciplinary actions. The correctional officers who are most likely to be classified as a "rule enforcers" are younger, educated, work later shifts, and are typically found in areas where there is a direct relationship with inmates. "Rule enforcers" expect inmates to follow the rules and regulations and if there is a challenge, disciplinary actions will occur (Faraks, 2000).

A "hard liner" is a subtype of a rule enforcer. Often these types of correctional officers are slightly older (26-36 years old) and are male. They usually have a high school diploma or have received their GED. Correctional officers who are considered "hard liners" frequently work later shifts but are most commonly found in areas of the prisons that are maximum security or segregation units. These officers often display similar characteristics to the "rule enforcer" such as being hard, aggressive, and inflexible regarding the rules and regulations. They also possess few intrapersonal skills. "Hard liners" are perceived as being tough as a way to maintain order and control throughout the prison. Sometimes these types of officers become abusive, aggressive, and even violent toward inmates (Faraks, 2000).

The third classification of a correctional officer is the "people worker". Often, these correctional officers are older, white, and more experienced on the job and are more commonly found in areas of the prison for inmates that are not classified as maximum security. Correctional officers who fit the profile as a "people worker" often instill a more workable, comfortable style when dealing with inmates and are often more flexible with

rules and regulations. Typically, when disciplinary actions occur, the punishment is due to the circumstance and the attitude of the inmates. "People workers" typically enjoy their career in the correctional facilities and find it rewarding to help inmates and make differences in individuals' lives (Faraks, 2000).

The "synthetic officer" is a combination of the rule enforcer and the people worker. Often, correctional officers who are synthetic are older and more experienced and typically work the regular housing units. These types of officers try to adapt policies and procedures and emphasize interpersonal relations. Often, they follow the rules and procedures to protect themselves and put up a barrier with inmates due to caution and mistrust (Faraks, 2000).

The "loner" typology most often consists of females, blacks, middle-aged officers, and those less experienced who typically work solitary posts. Often, the loners do not feel accepted by other correctional officers and, therefore, try to enforce the rules in order to prove themselves to their coworkers, avoid making mistakes, and show authority toward inmates. "Loners" often feel mistrust for inmates and may believe that inmates are trying to take advantage or set the correctional officers up for failure or trouble (Faraks, 2000).

The final category of the correctional officers is the "residual type" that includes three different types of officers: the lax officer, officer friendly, and the wishy-washy officer. For all of these three types of officers rule enforcement is very erratic and even nonexistent with respect to discipline to inmates. "Lax officers" are officers who simply "do their time" until they are able to retire. Often, they want to get through their day with little to no effort. They also tend to feel little responsibility for their coworkers. "Officer

friendly" is the type of officer who wants to be well-liked by everyone in the facility including the inmates. In order to get along and be accepted by inmates, these specific correctional officers typically negotiate to maintain order. The last type of officer is the "wishy-washy" who are often viewed as moody, unpredictable, and very inconsistent. Often, these types of correctional officers are mistrusted by the inmates (Faraks, 2000).

Prison Films

A majority of Hollywood films focus their crime and justice blockbuster thrillers on violence, police work, homicides, and detectives. There are fewer films that address prisons and the daily lives of inmates who are incarcerated. Many of the films that are based on prisons depict the "worst of the worst" offenders being placed in correctional facilities. Furthermore, prison genre films are typically over-represented by male inmates and those who are successfully able to escape from a given penitentiary. A majority of prison films also seem to display violent behavior as a day-to-day way of life in prisons. Some prison movies tend to stereotype specific races in prison such as *Shawshank Redemption* that showed predominately white males incarcerated, while other films present an array of racial characters who are incarcerated (O'Sullivan, 2001) Overall, films that are considered to be in the prison genre depict prison and correctional facilities in ways that are not typical of a majority of prisons. While the bulk of prisoners are males, many females are also incarcerated. Prison films continue to offer conventional stereotypes to society and create myths about the prison system and those who are incarcerated.

Summary

The review of the previous literature suggests that films viewed by the public often influence the views of those who observe the films and influence public perceptions of the criminal justice system as do those actors involved in the films (Dowler, 2003; Machura & Ulbrich, 2001). Several studies on crime and justice films indicate that police officers and the court system and those who are involved in corrections agencies are stereotyped and depicted in a specific manner due to the time period of the film as well as the plot surrounding the storyline (Crawford, 1999; Machura & Ulbrich; O'Sullivan 2001).

CHAPTER 3

MATERIALS AND METHODS

Participant

The researcher is a female graduate student at East Tennessee State University

majoring in Criminal Justice and Criminology. The researcher selected and viewed seven

films. The behaviors and responses of film characters were classified into five different

analytical themes, (i.e., embracing change, second chances, hope, connectedness, and

becoming more human).

Instruments

The following 7 films were selected for this study due to the criteria of criminal

justice themes that were addressed and character transformations that occurred. The films

selected cover an array of criminal justice material including policing, the courts, and

correctional facilities, focusing mainly on imprisonment. The films that were selected

were all released within the last 15 years. The motion pictures include *12 Angry Men*, *A

Family Thing*, *American History* X, *American Me*, *Crash*, *Shawshank Redemption,* and

Traffic. Following is a synopsis of each of the films.

Crash

Crash is a film that contains an ensemble cast whose lives and problems entwine

and impact each other in ways that are not apparent. This film follows several characters

as they live their lives over a 3-day span. A district attorney and his wife, two Los

Angeles police officers, one a veteran and one a rookie, an affluent member of society, a

black television producer and his wife, a black detective who is up for a promotion and his Latino partner, and finally two young black male criminals all collide in serendipitous interactions. While *Crash* is an extraordinary film because of it portrayal of "real" life characters who evolve over time and learn to see the larger picture and lessons from life, there are still many elements of the film and characters that "stereotype" the criminal justice system. The district attorney hopes to ensure another win by gaining both the African American vote and the law and order vote. The veteran Los Angeles police officer uses "racial profiling" to pull over a car fitting a crime scene description. The vehicle was occupied by an innocent African American couple, who become the victims of his harassment. Finally, the primary criminals of the film are two young African American males who stereotype themselves and other members of society as they use their stereotypes as a justification for pursuing monetary gains illegally.

12 Angry Men

This film attempts to determine what occurs behind the closed doors of a jury deliberation room. Due to a law that prohibits any observation of the activity that occurs in the jury deliberation room, no one but the actual jury members fully understood what occurs. In the film, as the 12 men determine the fate and future of a young man who was accused of killing his father, they learn that the facts are not as clear-cut as they thought. The jurors quickly learned after their initial vote that only one of the juror members did not vote guilty. The lone juror is not convinced "beyond a reasonable" doubt that the boy killed his father. Juror #8 held out and told the other members he wanted to discuss the case because the boy's life was in jeopardy. As the film continues to follow the deliberation, tempers flared and caused many personal problems to be brought into the

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discussion of jurors. As the discussion of the case continued, the jurors' eyes were opened as they realized there could be a number of flaws in the prosecution's case. The jurors learn not only to question the prosecution's case, but also the defense attorney who represented the defendant and eyewitness testimony. Juror #8 patiently presented the evidence against the boy in a different manner to show how easily the "facts" could be manipulated. After several hours of deliberation, the other jury members also reached the conclusion that the young boy could not be convicted beyond a reasonable doubt based on the evidence that was presented in the courtroom.

A Family Thing

A Family Thing is the story of two brothers who came from different backgrounds, ended up discovering the meaning of a family. Earl, who comes from Arkansas, learned that his life had been a lie when he received a letter from his mother after she died stating that she was not his birth mother. Earl's birth mother is a black woman who had died during his birth and his father was the same man he has always assumed was his real father. Earl's mother revealed that he was conceived as the result of his father raping Willie Mae, the black woman, who worked for them and who was also her friend. Her final dying wish was that Earl find the other half of his family, his biological mother's side, and begin to see them as his own family. Earl traveled to Chicago where he learns that his half-brother Ray lived with his family. After meeting Ray, he was faced with his own issues of prejudice and racial beliefs. The most powerful character in the film is the two men's Aunt T who lived with Ray. She was the biological aunt to both men because she was Willie Mae's sister. Aunt T, who was elderly and blind, saw Earl as family, respected him and loved him as family. Aunt T taught both

men powerful lessons concerning the need for them to overcome their racial issues and give and accept forgiveness and forge family bonds.

American History X

American History X followed the story of a Derek, who became a reformed Neo-Nazi leader after he spent several years in prison for the brutal hate crime of killing 2 African-American males. Even though Derek was convicted of killing the two black men, he was only charged with voluntary manslaughter and received an imprisonment of two years. While Derek was imprisoned he endured a transformation. His transformation was fueled by the environment of the prison, the inmates, and his minority status as a white man inside the prison walls. Derek's most remarkable change came from a fellow inmate he meets in the laundry facility, Lamont an African-American inmate. As Lamont's story unfolds, it became clear that injustices occurred in his case. He was sentenced to serve a 6-year sentence after stealing a television, a simple misdemeanor that would have given him less than a year in prison, but the police officers claim that the television was thrown at them. The story was narrated by Danny, Derek's younger brother. As Derek evolved into a better human being, Danny began following in Derek's footsteps by associating with gang members and becoming involved in illegal behavior. Once out of prison Derek's goal in life was to provide his family with support and help and mentor Danny back into a more law-abiding and morally sound life.

American Me

This film is story began in the early 1940s with an introduction to the "Zoot Suit Riots" where many violent acts victimized the Hispanic population that was moving into the Southern California area. This film is the story of a young Hispanic teen who formed

a gang with his friends to gain respect in his community only to end up in reform school and then go to prison for the majority of his life. While Santana was in prison he became one of the most powerful gang leaders who emerged both inside the prison walls and the outside throughout the community. After 18 years of imprisonment, Santana begun to understand the choices that he had made in his life and how they affected him, his friends, family members, and society. Santana used his power and control of the gang to manipulate and gain control over much of the drug trafficking. As his power increased, turmoil and aggression were carried out against other nationalities and gangs such as the Italians, the Aryan Brotherhood, and Black Gorilla Family. The story followed the chaos with gang related violence and the ways in which gangs control the lives of their members. The messages in this film not only examined the turmoil and the trouble of gang life but, on a deeper level, the consequences that Santana's life had for his family, friends, community, and himself.

Shawshank Redemption

The film, *Shawshank Redemption,* is a powerful film that explores issues of the criminal justice system and personal transformation, growth and change, and friendships. The main character Andy, an affluent banker, was serving two life sentences in prison for the murder of his wife and her lover. After being convicted of the crimes, he was sent to serve his time in Shawshank Prison. Once in prison, he, like every other prisoner, claimed that he did not commit any of the crimes that placed him in prison. During his time in prison he encounters many different forms of misconduct and violence from the guards and inmates. When his "outside" life as a banker is discovered, he is then forced by the warden and the guards to help with taxes and wire money illegally to the warden. During

his time in prison Andy gains the friendships from an unlikely source, Red the prison

con, who was able receive anything in and out of the prison. As the years pass Red and

Andy become inseparable and develop an uncanny friendship. Andy also gets reassigned

to help out an older inmate, Brooks, in what the prison calls a library. Brooks had been in

the prison for 50 years and was finally paroled and scared to the outside world. As

Brooks tried to adjust to the new world that he has been introduced to, he found himself

unable to survive, as he was unable to adjust in the real world because he is an

institutionalized prisoner. As a result he killed himself in his half-way house. As his

group of old friends coped with Brooks' death, they continued to go about their lives in

Shawshank prison. Andy, who was in prison for 19 years, kept his own secret from his

friend and created a tunnel to get out of the prison. When his tunnel was completed, he

escaped the penitentiary and later fled to Mexico. While Andy enjoyed his new-found

freedom, Red is still in prison and comes up for parole for the third time in the film, when

he is finally released. Once released, Red also tried to adjust to life outside of the prison

walls and feels terrified. At his lowest point he remembered a promise he had made to

Andy while in prison and decides to go meet Andy in Mexico. Red and Andy met again

in Mexico, never giving up hope all along the way of their journey from prison to

freedom.

 Traffic

 Traffic, a film similar in the character portrayal to *Crash*, followed several

different characters throughout the journey of their lives in both North and Central

America and their connection to drug trafficking. The story followed a wealthy and

powerful man who served in the Ohio Supreme Court and then becomes the newly

elected drug czar for the United States. Unknown to him, his daughter was dealing with her own addiction of cocaine. The newly elected drug czar had to determine what to do with his daughter and how to keep her addiction a family matter while still focusing on his career. Another character who is followed and deals with moral and ethical issues is a Mexican police officer who must determine whether or not to take bribes when trying to bring down many of the powerful drug cartels. The third and final main character of this film is a drug lord's wife who lives in the United States, who must deal with the struggles on how to keep her family together and survive after her husband was arrested and placed in prison due to his illegal behavior.

<div align="center">Method</div>

While viewing the each of the seven films, the researcher filled out a chart describing the number of times in which the five different analytical themes were displayed. The behavior that was observed through the characters' interactions was noted each time any of the five analytical different themes was displayed. The researcher recorded the number of times in which the following analytical themes were observed throughout the film, "embracing change", "second chances", "hope", "connectedness", and "becoming more human" (See Table 1).

Table 1

Observed Film Theme Analysis

Analytical Themes	Number of times observed
Embracing Change	
Second Chances	
Hope	
Connectedness	
Becoming more Human	

Table 1 was used for each film examined in this study. As the researcher viewed each film, a different table was used to determine the results for each movie. While the same table format was used for each individual movie, notations and records for all seven films were recorded in separate tables.

<u>Summary</u>

      The materials and methods that were used in this study help to explore the issues of restorative justice and peacemaking perspectives in films. The restorative justice and peacemaking perspectives show us a new aspect that could expand our current understanding of crime and justice films.

CHAPTER 4

ANAYLSIS AND DISCUSSION OF SELECTED THEMES

This chapter will be an analysis and discussion of the following five themes,
"embracing change," "second chances," "hope," "connectedness," and "becoming more
human." The themes were observed and noted while the researcher viewed the seven
films.

<u>Embracing Change</u>

Perhaps most valuable theme that is displayed in all seven films is the theme of
"embracing change". This theme is expressed through characters who have a deep hatred
and prejudice toward people of different races, cultures, or ethnicities. Often, we are
terrified, even paralyzed, with thoughts, of fear and change. By not freely accepting
change, characters may become individuals who are unhappy and angry. Those who
openly and fully embrace and accept change are more willing to accept those with
different opinions, beliefs, thoughts, and morals. While one may not fully believe in
another way of life, he or she can still respect different approaches and perspectives.
Those who do not accept change in their lives are often difficult individuals to get along
with. Those individuals who are unable to accept change in their lives often do not
respect or accept others whose opinions, thoughts, and beliefs are different from their
own. It is often speculated that such persons have a hard time accepting members of
society who are different from themselves. Those who resist change are often those who
become the most ignorant, prejudiced, and hurtful human beings.

By allowing anger to build up within themselves based on others' actions and their own selfish ways and unhappy lifestyle, the characters displayed throughout the films often take this rage or anger out on others. Due to inadequacies in their own lives, the characters often display anger toward and fear of other individuals throughout the films. Often, the racial prejudicial and hateful comments that characters make to others are rooted in the lack of fulfillment in their own lives. By fearing change in their lives, the characters often lash out at other individuals who are not presented as strong characters.

In the seven films that were viewed for the current study, the theme of "embracing change" is most frequently seen in two distinct types of characters; younger individuals who are more likely to change and older individuals who are more commonly found to resist change in their lives. The theme of "embracing change" was seen in all 7 films. Through the researcher's interpretation of "embracing change," she suggested that behavior and actions of the characters from the seven films ranged throughout the films (See Figure 1).

The theme of "embracing change" was displayed in all seven films that were viewed for this study. In the film *12 Angry Men*, all 12 juror members experience a sense of embracing change. Eleven of the 12 jurors change their votes throughout the course of the film from a guilty verdict to not guilty. The 12th juror member initial votes not guilty and embraces change by persuading and presenting his point of view to the other members. These are the 12 examples of "embracing change" in the film *12 Angry Men.*

A Family Thing displays three separate occasions of "embracing change." First Ray does not want to accept Earl as his half-brother because Earl was conceived by to the

rape of their mother. Earl is taught and changes his prejudicial views when he opens his eyes and examines life and individuals past their skin color. Aunt T is instrumental in teaching both of the men see the truth about the relationships of family through her wisdom.

The film *American History X* displayed five separate occasions in which the characters embraced change. The first occasion occurred when Derek is imprisoned and learned of the activity such as the trade of sexual favors and exchange of various contraband items that occurred between different gangs. Derek realizes that he must embrace change in his life in order to live more peacefully in the prison because the rules between the different gangs on the streets are not the same rules inside the prison. Also, while Derek was in prison, Lamont taught Derek that he must change his attitude during his period of incarceration because he is the one who is the minority, not the African American population. Derek continues to "embrace change" as he is incarcerated and Sweeney comes to talk to him about the decisions his younger brother Derek is making and how he is following in his older brother's footsteps. Sweeney further encourages Derek to change his life. After Derek is out of prison, Derek displays two more actions that are considered to be "embracing change." Derek talks to Danny about his life in prison and how it affected him and all the future decisions that he will make in his life. Near the end of the film, the two brothers remove all of the Neo-Nazi décor from their bedrooms as the final incident of "embracing change."

During the film, *American Me*, there are two separate occasions in which the theme of "embracing change is noted during the film. The first incident of "embracing change" displayed in this film occurs when Lil Puppet makes the decision that once he is

released from prison he is going to remove himself from the gang and straighten his life out in order to provide a better life for his family and himself. The second incident occurs after the main character, Santana, is released from prison and learns that his involvement in the gang has caused a lot of pain for himself, his family, friends, and the entire community.

Crash displays three separate occasions in which the theme was displayed. First the district attorney's wife, Jean, "embraces change" in her life when she allows her maid into her life and admits that the maid is the only real friend that she had. Matt Dillon's character embraces change near the end of the film as he learns that he has no control over his father's medical care and there is nothing he can do to help him besides be there emotionally and physically for him. Detective Graham "embraces change" in a negative manner as he learns that his relationships with his drug addicted mother will never change, even after the death of his youngest brother.

During the film, *Shawshank Redemption,* three characters display the theme of "embracing change." First Brooks, a character who has been incarcerated for over 50 years, is unable to accept change in his life once he is paroled and kills himself. Red while in prison is unable to look forward to the future until he is paroled from prison, 30 years later. Andy, who is incarcerated in prison for a crime he did not commit, does not conform to the prison culture and never gives up his dream life outside of the prison walls.

Traffic displays four separate occasions in which the main characters display the theme of "embracing change." First, Javier helps the United States Drug Enforcement Agency capture and identify an array of characters who help distribute the drug supply

between Mexico and the United States. Carl, who is drug lord in the United States, is arrested and his wife takes on the "family" business after her husband is put in prison. Robert and his family accept change in their lives into two different ways. First Robert and his family accept a new demanding job that causes the relocation of their father and time apart from their family. The family then attempts to see the job as a positive factor in their lives even though it caused their lives to fall apart. Robert learns the importance of his family and makes the necessary changes to put them first in his life.
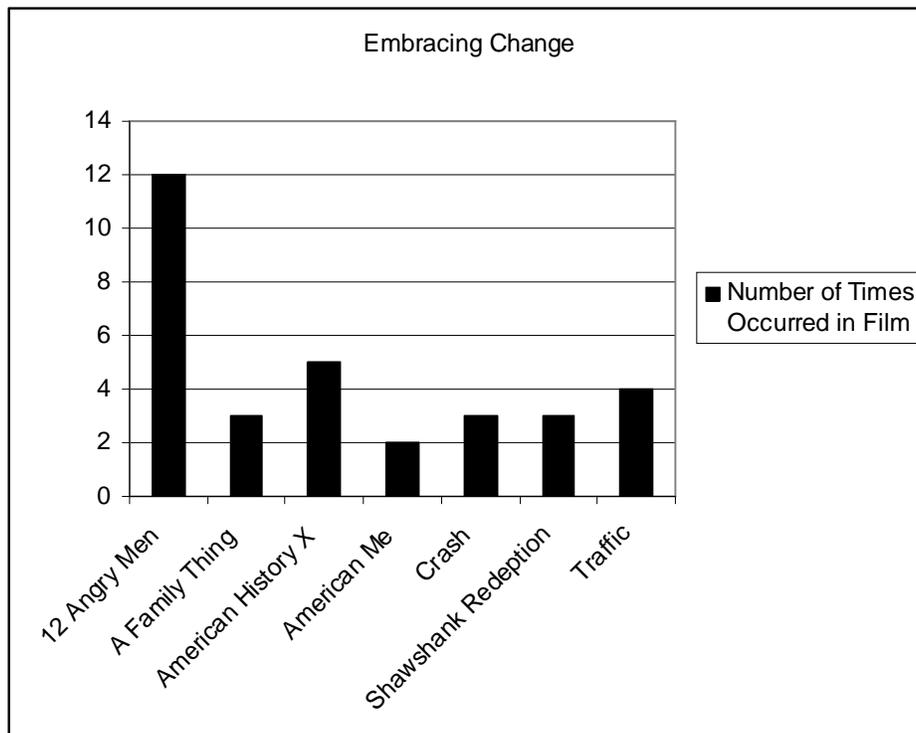
Figure 1. *Embracing Change*

In the two prison movies that were examined, *American History X* and *American Me,* younger individuals were more likely to experience this theme due to events in their lives that caused them to accept change. In *American History X*, the younger character, Danny whose brother, Derek, was imprisoned for 2 years on manslaughter charges after killing two African Americans, begins to look at life in a new manner after his older

brother is released from prison. While Derek was in prison, he encountered many situations with different races and his own gang, the Neo-Nazis, that caused him to reevaluate his life. As Derek experienced different situations within the prison, he became transformed into a new person who left his racial and prejudicial views behind in the prison walls. Danny learns from Derek's experience within the prisons and it causes him to re-examine the pathway his life was going. While Derek was in prison, Danny began to become associated with the same skinhead gang and was easily persuaded to enter the same life that Derek led before he was imprisoned. As the family tried to reconnect with Derek after he has been imprisoned, Danny saw the errors of his choices and begins to change and become an individual who left his racial views and thoughts behind him and focused on his family and school work.

The film *American Me* is similar to *American History X* in that many of characters are related to one another with respect to their activity in gangs and in prisons. *American Me* followed the life of three young boys who formed a Chicano gang and continued to display their control over other area gangs in and outside of the prison walls. As the gang began to grow, the older members became hesitant to leave the gang activity, specifically the three men who founded the original gang. The character, Lil Puppet, who joined the gang to have protection while he was incarcerated, wanted out of the Chicano gang. Once he had come close to serving his time in prison he decided that he wanted out of the gang and all of its activity in order to live a more law abiding life and be able to have more opportunities with his wife and new family. While the older gang members were hesitant about anyone leaving the gang, newer members who had dedicated less time and energy to the association were more likely to use the gang as a way to better their lives through

protection in prison and way to profit through their drug activity. Younger members in the Chicano gang such as Lil Puppet were more likely to change their views on the gang as their lives changed and they became more mature; however, older members believed that their gang participation was more like an extended family because many of them came from broken and disrupted homes and families.

Older characters such as the characters of Earl and Ray who were portrayed in the film, *A Family Thing,* and the jurors who were chosen to determine the innocence or guilt of a young defendant in *12 Angry Men* also display the theme of "embracing change" by showing how older characters are often more likely to be resistant to "embracing change" in their lives and in turn are not able to transform.

In the film, *A Family Thing*, Ray and Earl are biological brothers who did not know one another until Earl came to visit Ray after learning about his half brother at the time of his mother's death. While Ray and Earl were born to the same mother, a black woman, the two men look quite the opposite of brothers because Ray is African-American and Earl is white. Earl's father raped his mother, and in turn, he was conceived. Ray who knew about Earl's conception from the beginning always held harsh feelings toward Earl because his birth caused the death of their mother. Ray also resented Earl's father because he raped his mother. Ray, who is now middle aged, has lived with this anger and resentment all of his life. Only after he begins to accept Earl into his life and is taught a hard and blunt lesson by his Aunt T that family is all anyone has does Ray began to experience a change of heart and began to accept Ray into his life as his brother.

12 Angry Men also examines the relationship that older men face and their resistance to accept change in their lives due to racial prejudice or reasons of fear and

anger. The 12 men who were selected to judge the defendant's fate of guilty or innocence must determine whether the facts presented in the case determine either an acquittal or a guilty verdict. The men must consider all facts of both the defense and prosecution and learn how the court system works when presenting evidence and their side of case. The jurors examine both the prosecution's and defense's cases. While analyzing both cases the jury members examined factors such as eyewitness testimony, prosecutorial misconduct by overemphasizing specific details, and even leaving material out for the case. The jurors not only examine issues based on the prosecution and the defense but they also critique specific aspects of the defendant who is a minority, lives in a bad neighborhood, has issues with his father, and even suffered abuse. The jurors learn over the course of several hours that they can not come to a quick conclusion on the case simply based on both the prosecution's and defense's account of what happened that night. They also learn that they can not use their own personal experiences to judge this individual and must come to a logical conclusion by excluding their own prejudicial views, thoughts, and opinions.

In the film, *Shawshank Redemption*, the character, Brooks, who is released from prison after spending nearly 50 years incarcerated is haunted and fears what life will be like once he steps foot outside of the prison walls. Because Brooks has spent the majority of his life in prison, he has become institutionalized to the system in which he had lived and no longer knows how to function outside of the prison gates. This character is consumed with fear of having to live a life outside of the prison walls he tries to commit a crime inside of the prison so his parole date will be pushed back, although he fails. Even though he fears life outside of prison, he moves into a halfway house and works in a

grocery store and tries to get accustomed to everyday life but is unable to embrace the change in his life and ends up taking his own life in his room.

Through the seven films, there are clear examples of how anger and fear affect the lives individuals lead as well as the lives that their actions will affect. Often built up anger and fear cause us to lash our on other individuals and cause more hurt than what we already feel. By not living complete and fulfilled lives, characters take built up rage, fear, and anger out on others who not only do not deserve it but are often innocent bystanders. By embracing change to enter lives fully, characters are able to live more complete lives and better the lives of those around them.

Second Chances

Another powerful theme throughout the seven films that was observed is the theme of "second chances". In the films many of the characters undergo very traumatic situations in which they often do not act morally or ethically correctly. Instead, many of the characters take paths in their lives that lead them to become law-breaking citizens and act disrespectfully to other individuals including their friends, family, and other members of society. By committing various crimes, using a variety of racial prejudicial attitudes toward different individuals, abusing many privileges, and abusing their powers, the characters throughout the films display a side of personal life that is destructive not only for the specific character but to others they interact with. Not only do the films' characters upset and disappoint their parents, friends, and spouses throughout their story lives, but they also caused insult and anguish to others and are condemned by members of society based on their law-breaking behavior.

In the seven films that were examined for the current study, the theme of "second chances," is most commonly found in characters who are minorities and older individuals. Often the characters experience "second chances" after their lives have led them down a path in which they were destructive to themselves and others and by breaking the law. The characters in the films who are given "second chances" typically are granted such chances by other members of the community such as friends and family members. Often, "second chances" in crime and justice movies come about as the result of choices to participate in behaviors that ultimately are found throughout the criminal justice system and result in a movement toward a transformative life. "Second chances" were given to these characters by friends and family members who allow them another chance to transform their behavior.

In Figure 2, the researcher calculated the number of incidences that each film displayed a scene in that the theme of "second chances." This theme of "second chances" in all seven films. The following films displayed the theme on three separate occasions, *A Family Thing, American History X, American Me,* and *Shawshank Redemption*. The film, *12 Angry Men,* displayed this specific theme only twice, while the theme was displayed on four separate occasions in both films, *Crash* and *Traffic.*

In *12 Angry Men*, two occasions were noted, first when the jurors gave the defendant another chance at his freedom when they were not able to determine beyond a reasonable doubt that he was guilty of the crime he was accused of and also when the jurors realize that jury duty isn't a hassle as many thought it was.

In the films, *A Family Thing, American History X, American Me, and Shawshank Redemption* displayed the theme of "second chances" three separate occasions in each of

the films. First Ray gives Earl a second chance after he has insulted the family and goes to look for him after he runs out of the house. Ray's son Virgil allows Earl a second chance and to have a place in his life as he gets ready to go back to Arkansas. At the end of the film, the two brothers, Ray and Earl, drive back to Arkansas together in order to have a second chance at a family. In the film *American History* X, the first notation of this theme occurred when Sweeny gave Derek a second chance when he decided not to let his troubled life slip through the cracks after he wrote a paper about Mien Kemp and stated that his role model was Hitler. Lamont gives Derek a second chance in prison after he has been raped and places his own life on the line so Derek is able to have protection while in prison and live until he is released. Once released from prison, Derek talked to Cameron, the head of the local Neo-Nazi gang, and told him to leave his family along, giving his family a second chance at a better life together.

American Me and *Shawshank Redemption,* both prison films also displayed this theme several times. In *American Me,* Santana is given a second chance twice in his life. First, he is released from prison and is given another chance at life and his freedom. While he is out of prison, he learns the importance of the second chances that he is given through friends and family members. Santana also gives a member of the Chicano gang a second chance when he orders that Lil Puppet's life be spared after he has denounced the gang outside of the prison walls. In *Shawshank Redemption*, Andy is given a second chance when he escapes from prison and flees to Mexico. Another character in the film, Red, is also given two second chances, first when he is paroled from prison after 30 years and then again when he decided to break the rules of his parole and move to Mexico with Andy.

The final two films, *Crash* and *Traffic,* both displayed four examples of "second chance." In *Traffic*, the drug enforcement agent played by Cheadle is given a second chance at gaining a conviction with Carl after his partner is brutally killed. Carl is also given a second chance when a key witness against him is killed prior to his trial, causing the prosecution to drop its case against him. Caroline and her friends experience this theme after one of their close friend overdoses, even though they don't take it. Robert and his family come together at the end of the film in order to help their daughter have a second chance at life and overcome her addiction. In the film *Crash*, Dillon's character embraces his second chance after he saves a woman who is in a car accident and realizes it is the same woman whom he violated the previous night in a routine traffic stop. After the shopkeeper attempts to kill the locksmith and pulls the trigger, which appears to kill the little girl, he is given a second chance after he learns that the bullets in the gun were only blanks. Anthony is given a second chance at his life after Cameron confronts him and tells him that he is embarrassed by his actions. Graham, the detective, is given a second chance to do the right thing when he is given a choice to provide faulty information to the district attorney and help his brother and gain a promotion or lose his job--even though he does not act ethically.
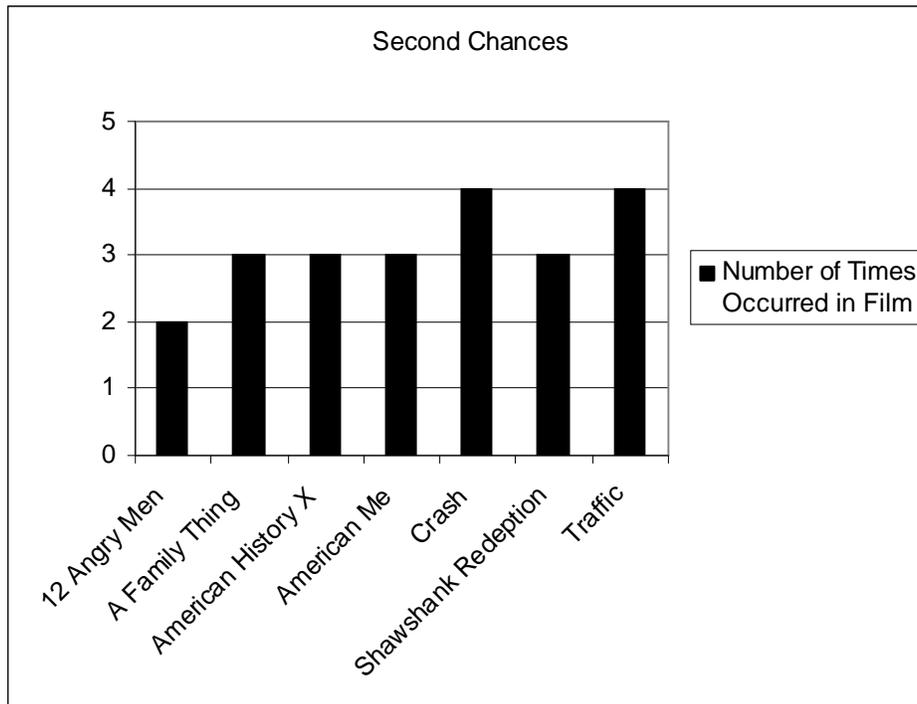
Figure 2. *Second Chances*

The films *Crash*, *A Family Thing*, and *Traffic* display examples of "second chances" in family dynamics after characters have experienced issues in their own lives. Their issues have caused them to place their relationships with family members and friends at lower priority than what is appropriate. The newly appointed Drug Czar of the United States in *Traffic* learned the important lesson of "second chances" after he has emphasized the importance of his commitment to his job before his family. His job caused him to neglect his family life and minimized the relationship he shared with his wife and daughter, barely speaking to either woman in his life. As a result of his actions, his daughter became heavily involved in drugs and his wife was contemplating a divorce. Once the judge reevaluated his relationships, he reached out to his daughter to help her

overcome her drug addiction and communicated better with his wife. As result, he was given a second chance with his family. By learning this lesson and being given a second chance he realized that his job was not as important as he once thought it was. In *A Family Thing*, two brothers, Earl and Ray, learned a hard lesson from their blind Aunt T: Family is more than skin deep. While the brothers look completely different from one another, Aunt T reminded both men that they both needed to put their opinions and prejudiced views aside and come together as a family.

The film *Crash,* displays another example of "second chances" during the character interactions of the shopkeeper and the locksmith. The previous day the locksmith went to repair the shopkeeper's lock but realized that the door was faulty instead of the lock. Because the two men had a language, cultural, and ethnic barrier, the problem was unresolved for the night. The next morning the store had been completely vandalized and the shopkeeper believed that it was entirely the locksmith's fault. The shopkeeper located the locksmith at his home and aimed his gun at the young man. The locksmith's young daughter jumped in front of her father to protect him with the "magic cloak" as the trigger was pulled. After the shopkeeper realized that the little girl was alive because he had blanks in the gun, he believed that the little girl was sent to him to be his angel. The locksmith realized the importance of the larger things in life after his daughter was almost killed. At the same time the shopkeeper then began to value his family and become more grateful for the freedoms and opportunities he was given when he moved his family from the Middle East to America. He began to express his gratitude for being an American citizen despite the stereotypes he encountered due to the color of his skin as well as his heavy Middle Eastern accent. The shopkeeper also learned not to be

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consumed with his own hatred and anger but to enjoy all of the treasures that he been given in his life such as his wife and daughter and the opportunity to live in America.

"Second chances" are also prevalent to characters who are facing issues with the criminal justice system, which are shown in following films, *American History X, American Me, Shawshank Redemption,* and *Crash*. In the first three films, *American History X, American Me,* and *Shawshank Redemption*, prison scenes played a major role in characters who were labeled criminals but were given "second chances" in their lives and their freedom. While the characters, Santana, Derek, and Red, were all incarcerated for a variety of crimes, all three men were given a "second chance" at life when they were granted parole from the penitentiary. Santana from *American Me* was released from prison and realized the importance of his freedom and the impact that his life had on other younger individuals. His behavior and activity with the gangs impacted the neighborhood children in a negative manner. Because he was released from prison, Santana understood that he was given the opportunity to impact the children in a positive manner and lead by example. At the same time, Derek from *American History X* was paroled from prison after serving only 2 years. He was sentenced to this term after he killed two African-Americans in a gang-related attack and was charged with two counts of manslaughter. Derek was transformed while in prison and decided to change his life. Once he was paroled, Derek decided to live a law-abiding life and help his mother and his siblings by becoming a provider as well as being a positive role model to his younger brother, Danny. In the final prison film, *Shawshank Redemption*, Red was paroled after he served over 30 years in prison for a crime that he committed when he was a young boy. Due to his time in prison, Red almost became institutionalized to prison life. When

Red was paroled, he was given a second chance at life. After being incarcerated for over 30 years, his fate seemed determined like that of his fellow prisoner, Brooks. Although Brooks was unable adjust to the fear of change in his life, Red was able to move past his fear. Red, with the help of his friend, Andy, accepted his second chance at life, as he violated the rules of his parole and travels to meet his friend, Andy, in Mexico.

While the film *Crash* also gives several examples of "second chances," regarding family dynamics, there is also a presence of this theme with respect to criminal justice issues, specifically police brutality and misconduct. The character who is able to demonstrate the importance of a "second chance" is the police officer, Matt Dillon's character. He undergoes a radical transformation from a man who was a police officer who harassed and violated a black woman whom he had pulled over at the beginning of the film to one who saved her life during a traumatic car crash. When Thandie Newton's character has her car accident and is stuck in the car, the only person there to save her life was the man who had pulled her and her husband over hours before and harassed and molested her on the side of the street. Dillon's character not only tried to calm her down, but after the seatbelt was stuck he calmly asked permission to reach across her lap. Dillion's character not only tried to calm her down and be respectful, but he even pulls her dress down to cover up her legs. Dillon now realized that he has done wrong and without physically saying that he was sorry for his previous actions, he is able to show it in his actions when he risked his own life to save her and also by acting as a gentleman with the manners he used to make her feel comfortable.

The theme of "second chances" is displayed in the films with respect to the characters who allowed other individuals to have another chance at life after they have

made mistakes. By allowing others to have "second chances," the characters are able to transform into more complete individuals.

<div align="center">Hope</div>

In the seven films that were observed for this study, many of the characters instill hope in themselves and one another, but this theme is most commonly found in characters who are minorities and are often middle-aged to older characters who have experienced a fuller life than younger characters. In Figure 3 the number of times characters displayed the theme of hope is recorded. The theme of hope was only found once during the film *12 Angry Men*. The films *A Family Thing, American History X, American Me,* and *Crash* displayed character behaviors and interactions related to "hope," twice in the films. Hope was also seen in *Shawshank Redemption* and *Traffic* three times for each film.

Hope is seen in each of the seven films during different character behaviors. In the film, *12 Angry Men*, Juror #8 instills hope throughout the viewers and other juror members when he decided that because the young defendant's life is in jeopardy that he at least deserved to have the case discussed before jumping to a guilty verdict. "Hope" is displayed in *A Family Thing* by Aunt T who instills this message to her nephews, and also when she reminds Ray that even though she is blind and unable to see Earl she still sees him as her family. *American History X* also displays this theme twice. First, Sweeney, the African American principal at the local high school both boys attended, refuses to give up on both Derek and Danny. At the end of the film, Danny turns in a paper that is about the life of Derek and the impact that his actions had on his family, which gives Danny the strength to make strides in his life to become a better person. In

<div align="center">80</div>

American Me, Santana tells his friends and fellow gang leader that previous actions

against others gangs in the area were wrong and he wants to distance himself from the

gang. Even though the gang activity has widely increased throughout the community,

Julie teaches and reinforces in her son the importance of an education and did not allow

him to associate with other gang members. The film *Crash* also displays two powerful

scenes that instill the message of hope. Near the end of the film, Anthony releases a van

full of Chinese people back into Chinatown when he could have sold them for 500 dollars

a person. Also, the locksmith continues to live his life the best he can to provide a better

life for his family. In the final two films, *Traffic* and *Shawshank Redemption*, three

separate occasions were observed for this theme. In *Traffic,* the Drug Enforcement Agent

remains dedicated to his job after his partner is killed, Javier, a Mexican police officer,

helps join the United States and Mexico to help bring down powerful drug cartels in

Mexico, and Robert fights to find his daughter and help her overcome her drug addiction.

In the final film, *Shawshank Redemption*, Andy never gives up hope while he is

incarcerated, Red begins to believe in hope after developing a friendship with Andy, and

Andy never gives up on his dream of Mexico while he is incarcerated and once he has
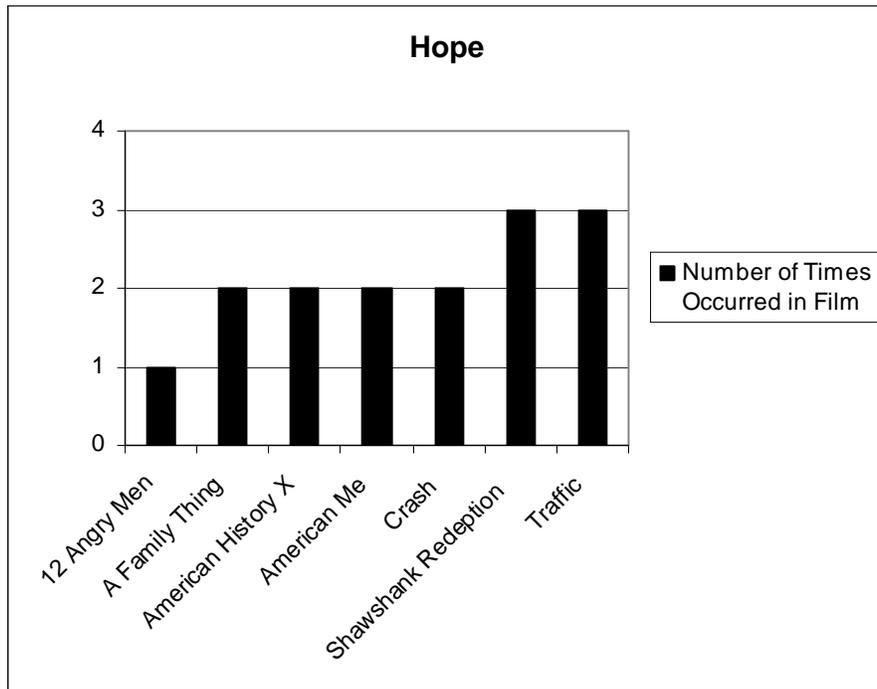
escaped from prison.

Hope

Figure 3. *Hope*

In the film *Crash,* Anthony, who believed that African Americans were oppressed by whites and was constantly making the wrong decisions, is the character who experienced the most dramatic changes. He preached to his peers about being oppressed and with his second attempt to carjack another Lincoln Navigator he learned a valuable lesson. After the carjacking fails, and he is given a "talk" by Cameron, whose car he was trying to steal, Anthony is told by Cameron, "You embarrass me. You embarrass yourself." Prior to the carjacking, Anthony and his friend hit a Chinese man on the side of the road and dropped him off at the hospital. After Anthony's latest encounter of trying to steal a new Navigator falls through, he goes back to the place where he hit the "China man." He find the man's van that he previously hit and then preceded to take the man's van to a shop to try and sell the parts of the van or even get money for the entire van. As

he is at the car shop a surprise is found in the rusty old van—the back is full of illegal immigrants from China. After the man who owns the car shop offers 500 dollars for each person in the back of the van, Anthony turns the offer down. Instead of selling the illegal immigrants, he takes them to China Town, where he gives them all of the money in his wallet. Anthony's personal transformation is complete as he allows all of the immigrants to go free. He realized through the presence of another strong African American male, who is wealthy and affluent that he is letting himself live in an oppressed manner by the lifestyle that he chooses.

Through Anthony's character transformation, the viewers are left with a great sense of hope. Anthony, an African American character who once believed that he was oppressed by all of the white people who ran the country, becomes a more open person when he chose to do right. As he is followed throughout the 3-day time span, the viewers learned that even though there are many people out there who do make the wrong decisions, there is hope in everyone that the right decisions will be made.

Throughout the film, the viewers also are introduced to the Hispanic locksmith. During the 3-day time span, his interactions are noted with the district attorney and his wife, the shopkeeper, and his own family. Throughout the film he is labeled as a liar, a gang-banger who will hurt anyone by the district attorney's wife, Jean. The viewers of the film quickly learn that he is the hardest working family man present in the movie. He works hard to provide a life for his family so they do not have to live in an impoverished neighborhood and encounter gang members, drugs, and violence on a daily basis. He vows to be at home and be with his family to protect them and tries the best he can to provide them with a better life than he has ever known. The viewers are first given the

impression that he is full of trouble due to his interaction with Jean. Only later does the audience learn that he has stayed out of violence his entire life and has worked so hard to help his family. He treasures his family, especially his daughter, and even makes up a story of the magic cloak to help protect her from stray bullets. Although he may not appear to have a lot of possession or even be well off, he shows that he has more than any of the other characters in the film because he continues to hope for a brighter future. He displays this theme of hope by constantly looking forward and building a brighter future for his family.

In the film, *A Family Thing*, Aunt T, the blind woman both men share as a blood relative, instills this theme to both Ray and Earl. Although Aunt T is blind, she reminds the men about the importance of family and forgiveness. She teaches the men through her blunt statements and simplicity that even though she is unable to see Earl she accepts him. While Aunt T endured hardships throughout her life, she encountered many experiences that helped her instill the hope and faith of family in her two nephews. She taught the two men to put their different beliefs of race and their own opinions and thoughts aside before they jump to conclusions and judge one another.

The films *American History X and American Me* both introduce characters who have undergone events in their lives that have made them reevaluate the lives they lead in order to ensure that others around them will achieve their full potential. Sweeny, an African American teacher in *American History X*, spends a majority of his time working with the police, gang outreach programs, and even mentoring young students, such as Derek and Danny about gangs and violence and instilling knowledge about their futures. Sweeny never gave up on the two boys even though he knew that they were involved in a

gang in which they constantly disrespected African Americans. Sweeny went out of his way and taught both boys valuable lessons about life and saw potential in the young boys after their racist father was killed by minorities in a house fire. The death of their father only fueled the two men to have racially prejudicial views of their own. By being a constant supporter in their lives, Sweeny helped the two men understand the meanings of life and continue to have hope for a greater and brighter future. The film *American Me* also explores the issue of gangs and shows how one woman, Julie, remained to be a factor of hope for the Latino community as she raises her young son. Julie instills the thought of a better life for herself and her young son. While the community in which they lived was involved in gang activity, she insisted that he focus on his education and not associate or play with the children who are associated with gangs. By the end of the film, Julie makes a pivotal decision as she was determined to move forward with her life while the gang activity escaladed around her and her community, by going back to school in order to provide a better life for her and her son.

While the films, *American History X* and *American Me*, focus on individuals who are brought up in gang activity as well as prison issues, *12 Angry Men* focuses on the issues of the courtroom and what occurs when jurors deliberate the guilt or innocence of a defendant. While no one completely understands what occurs in a jury room, many speculate that if one juror holds out, then the verdict is more likely to be a hung jury. In the case of the film, Juror #8 is the only juror to hold out of the entire jury. While the remaining 11 members of the jury want to immediately convict the defendant, Juror #8 is determined to show that the defendant should as least given the decency of discussing the case before determining if he is guilty or not. He believed that every human being on trial

is worthy of having his or her fate discussed before immediately deciding if one is guilty or not, no matter how harsh the crime. Because Juror #8 was able to stand up and have some hope for the defendant, the jurors thoroughly discussed the case and were able to determine beyond a reasonable doubt they were not completely swayed concerning his guilt and found him not guilty.

Characters from all seven films help re-instill the important of maintaining hope in daily lives. By continuing to live with positive thoughts of conscious hope viewers are given the strength to help overcome any obstacles that are set in front of them by choosing not to go down dangerous paths. Hope is a virtue that all must keep in order to live lives in which we are able to preserve some of the innocence in our own "grown-up" lives.

<div align="center">Connectedness</div>

The simple yet profound statement on the film cover of *Crash* states, "Moving at the speed of life, we are bound to collide with each other." A straightforward statement, but yet so much can be gleaned from those few words. *Crash* is not only a film about people and their racial prejudice and ignorant thoughts and actions towards others, but it is about the depth of life. It is a movie that teaches everyday people to examine that everyone is human and as a whole we are bound together by that simple fact.

While examining the seven films, the researcher observed different character sequences in which the theme of connectedness was displayed (See Figure 4). The theme of connectedness was most frequently shown in the film, *Crash* (nine times), followed by *Traffic* (five times). The films, *A Family Thing and American History X*, displayed the theme four times, followed by *American Me* (three times). In the film *12 Angry Men,* the

theme was displayed twice followed by *Shawshank Redemption* where it was observed only once.

Even though all of the films displayed the theme of connectedness, *Crash* and *Traffic* most frequently displayed this theme. The theme of connectedness was displayed in *Crash* when the District Attorney and his wife are carjacked by the two criminals, who are also connected to the maid and the locksmith. The locksmith is connected to the shopkeeper as he repairs his lock. The criminals are also connected to the rookie police officer after he shoots Anthony's accomplice. The rookie police officer is connected to the veteran police officer who serves as his mentor for a time period. Both officers are connected to the TV producer and his wife after they are pulled over during a traffic stop. The TV producer is connected to the criminals as he interacts with Anthony and tries to talk to him in a rage of anger. Anthony's accomplice is connected to the detectives because they are brothers. The detective who is related to the criminal directly works and interacts with the District Attorney. The film *Traffic* is similar to the film *Crash* with the exception that it focuses on the drug trade between the United States and Mexico. The Mexican police officer is connected to drug enforcement officers in the United States, who directly target a drug lord in the United States, Carl, whose arrest is pursued by the Drug Czar of the United States. The Drug Czar of the United States has a daughter who frequently abuses drugs, that come from Mexico.

The last five films also display more hidden scenes of "connectedness." *American Me* displays this theme three times. First it shows how the Zoot-suit riots affect all generations of Chicanos, even though it occurred many generations ago and also how Santana's actions and behaviors have drawn the community together and created a path

for many members of the community to follow. As the movie ends, all of the characters including many secondary characters are all shown with the same tattoos on their wrist. *12 Angry Men* displays this theme twice, first when the jurors members realize that they have more in common such as their backgrounds and family dynamics with the defendant than what they first thought, also when the juror members determine that their actions in the courtroom will not only impact the defendant but also their own lives. In the film, *A Family Thing*, the two brothers realize that they are connected in more ways than their blood. They learn that they both had powerful women in the lives, both served in the military, their current family dynamics are similar, and a scar on Earl's face came from Ray when they were both young boys. *American History X* displays this theme four times, first when Derek is imprisoned and the lessons he learns from his friend, Lamont. Derek also learns that in prison everyone is treated as one type of person and are not seen by their race with respect to the guards. Danny's last line from his paper, "We are not enemies, but friends…." displayed this theme when he turned in his paper and began to see the larger picture of connectedness between all individuals. Finally, Danny's death was a direct result of Derek's previous actions and past behavior that Danny followed. Andy from *Shawshank Redemption* displayed this theme to the viewers because he was incarcerated for a crime he was innocent of causing the viewers to feel a sense of injustice and connectedness to members in the criminal justice system because it could happen to anyone.
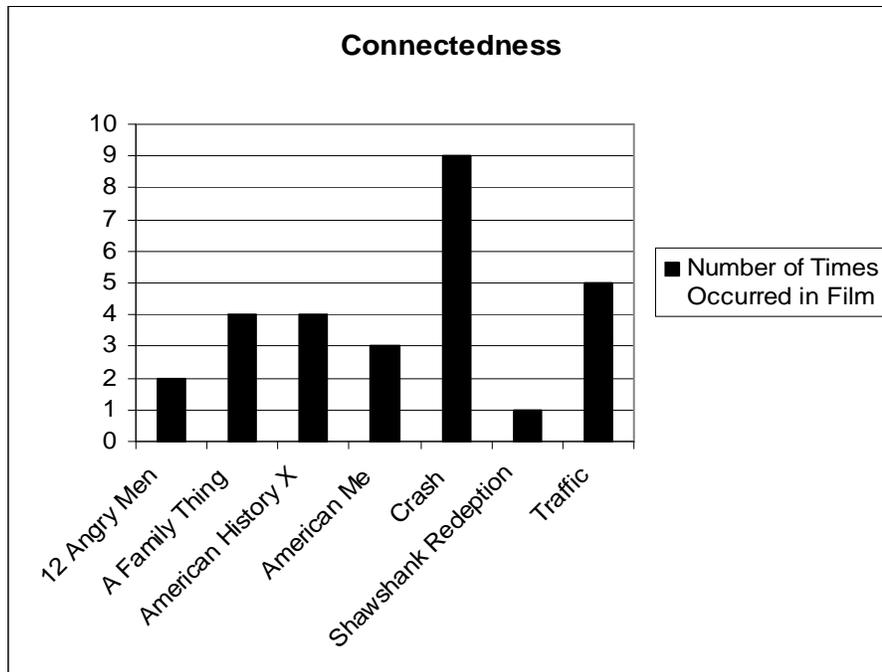
Connectedness

Figure 4. *Connectedness*

Crash reiterates the fact that we are all nothing more than human beings and all connected to one another. The film *Crash* showed the story and introduced a complex range of characters that included Asians, African Americans, Caucasians, Latinos, those of Middle Eastern decent, the rich and poor, the young and old, those who are powerful and those who are powerless. Even though on the surface the lives of the different individuals look as if they will never intersect, *Crash* showed that people cross paths and literally crash into one another. The different characters in the film lead lives and choose paths that led them into the others' lives. Paths that were taken in the film are taken to ensure that lessons are learned by the different characters. By crashing into others' lives,

the characters are able to grow, change, and persevere by becoming better individuals due to the powerful lessons they learn through the paths that life has taken them down.

The movie is filled with an intertwining web of characters who constantly bump into one another and the different impacts they had on one another's lives. The different characters led lives that constantly overlap and cross paths with one another from a carjacking, police stop, car crash, vandalism of a store, cases that the detective faces, family issues, and the personal issues that each character comes to terms with. The diversity of the characters' race, background, and social status helps to reinforce the messages that we are human beings aside from our exterior view. By accepting the message of connectedness, the viewer learns that human beings are connected to one another and nature and all of the decisions, choices, and actions that are taken through life connect us and affect others, no matter how large or small the path.

Various characters in the film go down paths that teach each of them valuable lessons and in turn cause them to grow not only as human beings but also as individuals. The film reminds us that life is full of lessons. Even when "crashes" occur in our lives and others' lives, we as human beings learn that the path that was chosen for us to go down was done so in order to learn lessons in life and examine life in a larger picture.

While the film *Crash* examines an array of characters and stories about their lives and daily struggles to deal with their racial and prejudice issues, *Traffic* is a similar film that intertwined the web of several characters who are caught on either side of the drug exchange from Mexico to the United States. The film examined the lives of a Mexican police officer, a drug enforcement officer, a drug lord who lives in the United States with his wife, and the newly appointed Drug Czar of the United States and his family as his

daughter battled her own addiction to cocaine. The film examined how the lives of different individuals, while separated by countries, states, and racial, gender, and class divisions, are constantly affected by one another and the actions of others.

Even though *Crash* and *Traffic* examine the larger picture of connectedness to display how individuals affect one another's lives, the other films that were examined also all include the theme of connectedness but to a lesser degree than the previous two films.

The film *A Family Thing* examines this theme specifically with a context of family dynamics. As the film explored the relationships between Ray and Earl, the two brothers realize that they are far more connected than the mother they shared. The two men realized they are connected through their relationships with the strong women who raised them, their experiences throughout the military and the Korean War, their current family dynamic, and their close relationships to their families. After communicating to one another about their lives apart, Earl and Ray learn that although their mother is the same woman, the men are far more similar than one could imagine by observing them from them outside because one is white and the other is African American.

The films *12 Angry Men* and *Shawshank Redemption* examined the connectedness that the jurors and the outside viewers feel with those that are placed in the criminal justice system. Through the course of the deliberation in *12 Angry Men*, the 12 jurors who were once close minded to the defendant realized that many of the members have more in common with the young boy than they first imagined. Many of the jury members were able to see themselves in the young defendant due to his abusive relationships with his father, the similar neighborhood in which he lived, and the family dynamics he

overcame coming from a single-parent family. The film *Shawshank Redemption* displayed the theme of "connectedness" by examining the life of Andy. Andy's story showed "connectedness," by displaying this message throughout the criminal justice system because he was an innocent man who was convicted of murder. The theme of connectedness is prevalent to the viewers of this film when the relationships of ordinary citizens, those who are labeled criminals and caused the viewers to reevaluate the stereotype of a criminal. Viewers are able to reevaluate the stereotypical criminal through Andy's experience and learn that being placed in the criminal justice system could happen to anyone.

The final two films, *American Me* and *American History X*, show the theme of connectedness through the relationships of gangs and prison life. While the main characters, Santana and Derek, are incarcerated due to their gang activity, they learn the lesson that while they may be different on the outside of prison walls, to the guards everyone is treated the same behind the walls. When individuals are incarcerated everyone is treated the same and not one person is better than the next. As displayed in the films, the guards and other correctional officials refer to anyone who is incarcerated as someone who is beneath them. Through their gang activity, which is often brought about due to racial issues, Santana, who is in a Mexican gang, and Derek, who is part of the Neo-Nazis, realized that their gang activity caused them to become ignorant and in turn caused them to change their ways throughout the films and grow from their personal experiences that were encountered while incarcerated.

Through all hardships characters face in their lives, when they learn the larger picture of life and the theme of connectedness becomes apparent, the characters are able

to transform and live their lives more accordingly to a more peaceful, moral, and ethical life. While the theme of connectedness may not always be apparent to all characters, the theme is apparent to the audience. As characters and the viewers become fully aware of the theme of connectedness, the lesson of the golden rule and morally and ethically correct behavior towards Mother Nature as well as other members of society becomes clear.

Becoming more Human

In the end of all of the struggles that characters face individually and those that they forced against one another, if the individuals are able to see the larger picture and realize that beyond skin color, religion, culture, ethnicity, and background, all of the characters have one thing in common; they are all human beings. By examining the larger picture characters and the viewers become better individuals and are able to serve society. The theme of becoming more human is realized by characters who determine that life is not about them, but it is about sacrifice and others.

The theme of becoming more human is most prevalent in those characters who have experienced traumatic life changing events in their lives such as drug use, family problems, and racial stereotypes that are often placed upon them. Often, the characters who are more likely to display the theme of becoming more human were characters from a minority status or individuals who enduring a lesson from their life experiences.

The researcher noted how many times the theme was present through each movie and was displayed in Figure 5. The theme of becoming more human was found in *Crash* five different times and *American Me* on four separate occasions. *Traffic*, *A Family*

Thing, and *American History X* all displayed this theme three different times. *12 Angry Men* and *Shawshank Redemption* demonstrated this theme two separate times.

"Becoming more human" is found in the film *12 Angry Men* twice. First, when juror #8 helps the remaining 11 jurors realize that the facts of the case are not as simple and clear cut as the prosecution presented. Then at the end of the film, juror #3 determines that the pent up anger he felt for the defendant was because of anger and issues that he had with his own son. *A Family Thing* displayed the theme on three separate occasions. Ray, Earl, and Virgil learn to grow and become better individuals through Aunt T and her wisdom. By the end of the film, the two brothers learn the true meaning of Earl's birth and learn to view each other as brothers, and they also move forward together and become more accepting of each other's family. In the film *Traffic*, there were also three incidences of "becoming more human." First, Javier the Mexican police officer grows and becomes a better human as he tells his partner's wife that his death was noble and not related to drug trade. Caroline also begins to clean up her life and try to overcome her addiction to cocaine. The final occasion that was noted in this film occurs with Robert when he resigns from his position as Drug Czar of the United States in order to strengthen the relationship with his family. *American History X* displays this theme first after Derek is released from prison and he tells his younger brother Danny that he is tired of being angry. After Danny turns his paper in, the viewers discover his full transformation, with the last line of his paper, "Hate is baggage…" The final occasion in which this theme is displayed occurs when Danny is killed at school and Derek realizes the impact of his actions

      Crash and *American Me* both display the theme of "becoming more human" more frequently than any of the other films viewed. *American Me* displays this theme on four separate occasions. First, Santana instills in his friends and other gang members that Lil Puppet's actions at the party did not result in his being sent to prison for the second time. Also through Julie, Santana's eyes are opened to help him see what his life could have been like if he was not involved in gangs and how his life has impacted various members of the community. At the end of this film, this theme is discovered twice, first when Santana realized that his friends, JD and Mundo, are the ones who have placed a hit on his life, and then he makes the decision to step out of his cell and face his death. In the film, *Crash*, there are five incidences of the theme "becoming more human." First, the detective Cheadle accepts the ways his mother does not show affection for him even after his brother's death. Another example is when the rookie officer and his course of action when he kills one of the carjackers cause him to grow as an individual and learn that the death was caused by an incident in which he thought the suspect was pulling a gun out of his pocket. The television producer also embraces this theme as he paused to watch the car as it is engulfed in flames. Anthony becomes a better individual as Cameron tells him that he is an embarrassment, which causes him to change his behavior and realize the important things in life. Sandra also grows into a better individual as she allows the maid into her life and realizes the importance of the true friendships she has in her life as with others.
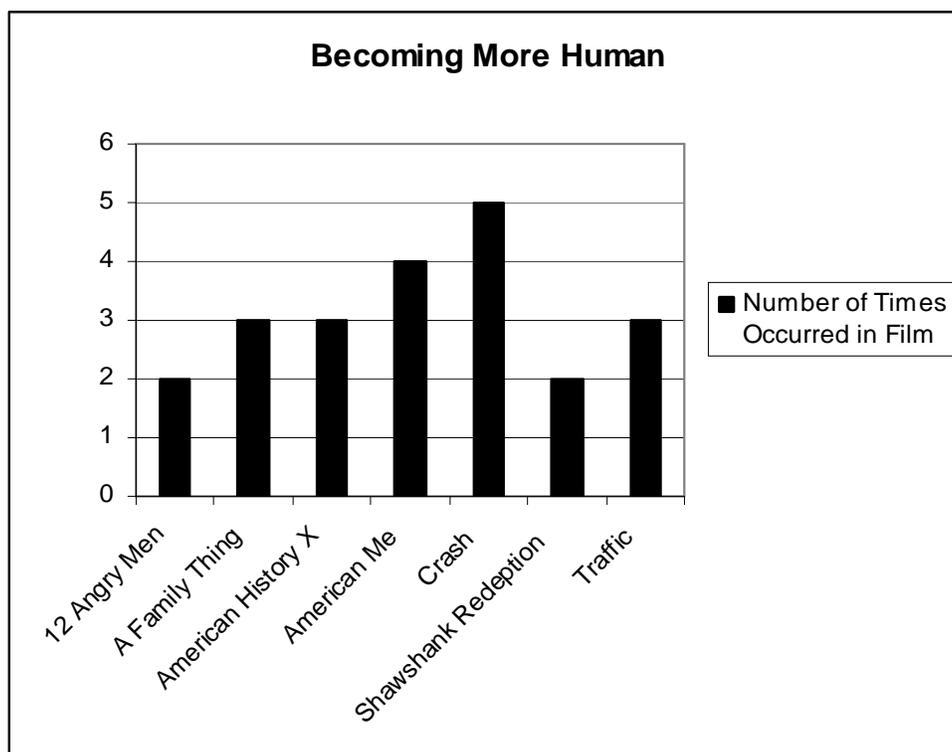
Figure 5. *Becoming More Human*

In the film *Crash*, both the locksmith and the shopkeeper display how people of different cultures have priorities that are similar despite their differences. The locksmith does everything he can in order to provide a better life for his daughter, going above and beyond the call to establish a large role in her life. The shopkeeper, on the other hand, is also a family man. He moved his family across the world, from the Middle East to the United States, in order to help provided a better education and future for his daughter. As the paths of the locksmith and the shopkeeper cross, their paths seemed opposite when in fact they paralleled each other in terms of their families. Even though both of these characters come from different backgrounds, cultures, and races, one of the most important lessons is provided by observing their stories unfold. Through the different families the theme of connectedness becomes clear. The theme is observed by

understanding that the two families, while they appear different on the outside, their lives were similar in relation to the hopes and dreams of their families and also the fate in themselves to become the best individuals they could possibly be.

In the film, *Traffic*, Robert, the newly appointed Drug Czar of the United States, steps down from his position for several reasons. Due to his realization of how the "war on drugs" targeted the youth, the poor, and minorities and the understanding that the battle will never be won, he began to reevaluate his position. After he rethought his job and the "war on drugs," he believed that there is little to no hope of stopping the drug trade in and out of the United States. His main concern about resigning from his position is that while he tried to make great strides in his career, he has focused all of his time on his highly important job, due to the emphasis he placed on his career instead of his family had caused his family life to face many struggles. After he dealt with his daughter and her addiction and a marriage that was crumbling, he begins to see the larger picture and reevaluates what is really important in his life. He chose to make his family and his daughter's addiction his first priority and grows as a human being by coming full circle and understanding the importance of life.

12 Angry Men is another great example of how individuals take their problems with their friends and family and focus them either intentionally or unintentionally on everyday life. While Juror #8 is busy trying to get the other 11 members of the jury to discuss the case before coming to a quick decision as how to rule, there is one cynical man, Juror #3. By the end of the film, he is the only member of the jury who doubted the young man's innocence. Juror #3 held on to his belief that the young boy treated his father bad and abandoned him just like his own son had done many years before. Juror #3

was so busy holding on to the burden and the anger that he felt about his son who abandoned him that he focused his anger on the defendant. After Juror #8 reminds him that the boy on trial is not his son, he is someone else's, he then changes his vote and the young man is found not guilty of the crime of murder.

In *Crash*, many, if not all, of the characters go through a cycle of growth in which they transform completely. The characters realized that not examining one another by race and who is right and wrong is no longer the way to look at life. Instead, many of the characters learned to put themselves aside and do what is right for others, not necessarily because it is right for themselves. Don Cheadle's character, Graham, learns to accept his mother's unconditional love for his younger brother and not himself. By not holding a grudge against his mother for her actions, he becomes a better person by trying to be there physical and emotionally for her. Instead of being selfish and becoming hateful and angry toward his mother, he continues to live his life and help her out as best as she will allow.

American Me and *American History X* have paralleled one another throughout the majority of the this analysis simply because both films displayed prison scenes and also the interaction with gang activity and transformations that characters made due to their time served in prison. In *American Me*, Santana who is released from prison a short time, developed a relationship with Julie and is taught to reevaluate his life. Through Julie, Santana is able to see that his behavior and activity in the gang he formed has created issues with not only his remaining family members, but it has also caused many young men and boys in the neighborhood to idolize him for the wrong reasons. Santana is sent back to prison where he tried to stay clear from the gang and no longer be so heavily

associated with them. Only his behavior backfires on him, while the other two men who have started the gang, Mundo and JD, turn on him, ordering a hit on his life. As the day approached, Santana knew that if he stepped outside of his cell, he was stepping to his death, but he does anyway. Santana realized that the life he has created for himself as well as his friends and gang members is much more important and will have far more meaning than the end of his life. While he knew that he betrayed his friends, in the end he stood for a larger cause and wanted to make things right in his life.

Just like Santana, Derek from *American History X*, spent several years and prison and came to terms with his life and the way he was living through Sweeny. Once he gets out of prison he tried to make things right with his family, especially his younger brother, Danny, who was following in his footsteps. Eventually Danny came around after his talks with Derek and realizes the importance of his family and education. As Danny fought to stay in school by writing a paper about Derek's life and the effect it has had on him and his family, he made past decisions that end up costing him his life. While Danny is attending school he is brutally shot and killed by an African American classmate who he had harassed several days before Derek was released from prison. Danny's death showed Derek that he was on the right track to helping the lost child, but his previous actions caused more harm than he could fix. As the film ended, Danny's paper is being read, with the simple conclusion, that "Hate is baggage…" Danny had made is transformation only it was too late, and he instilled a message that all viewers can learn from, not to carry their angry, rage, and hate for others based on their actions, race, culture, or skin color. The hate and the anger only cause individuals to lead lives in which they become cynical and are unable to see the larger picture of life.

In the end when the theme of becoming more human is fully understood, characters are able to live fuller lives and bestow greater lessons upon society. By rejoicing as one race and accepting those who come from different races and cultures, the characters are able to live fuller and more meaningful lives. With the acceptance of growing as individuals the characters learn that life is not about what happens solely to themselves, but life is about the lessons that can be taken from their own lives as well as others around them. As characters understand and grow toward becoming more human, they are able to focus on touching others lives and in doing so they live more fully.

Summary

Throughout the analysis of the seven films the five themes, embracing change, second chances, hope, connectedness, and becoming more human, were found in all of the selected films. While the number of observations did vary from film to film, all films displayed peacemaking and restorative justice perspectives through character interactions, behaviors, and personal transformations.

CHAPTER 5

CONCLUSION

The seven films examined in this study incorporated restorative justice and peacemaking perspectives. The perspectives in the films were examined through the analysis of the five themes (i.e., "embracing change", "second chances", "hope", "connectedness," and "becoming more human").

Three core elements of peacemaking include mindfulness, care, and connectedness that can all be found in five of the themes used to examine the films (i.e., "embracing change", "second chances", "hope", "connectedness," and "becoming more human"). The element of mindfulness teaches individuals to develop a sense of whole-sight that helps individuals become more aware of their actions. By developing a sense of awareness, individuals become more conscious of the world around them (Braswell et al., 2005). The core element of mindfulness is found through the themes of "embracing change" and "hope". Characters whose behavior is classified into these two themes often display themes of mindfulness when they learn to become more aware of the world around them and other individuals.

Another core component of peacemaking is "connectedness," which is displayed through the theme of connectedness. The essence of connectedness is to learn that human beings are not just distinct individuals but all are attached to other individuals who we have relationships with as well as those whom we have never met and never will meet and also the environment. A critical part of "connectedness" is the ideology that what we do to others including the environment, we also do to ourselves (Braswell et al., 2005).

While different characters and individuals may believe that their actions go unnoticed or have no effect on others, everything we do affects others members of our community. Characters or persons who experience and become a part of the theme of "connectedness" display behaviors in which they understand the core element of peacemaking as well as develop a whole-sight for their behaviors and actions and the consequences that it has on others.

The third core element of peacemaking is "care". Care is displayed in the theme of "second chances" and many restorative justice ideologies. The characters whose actions are classified in the theme of "second chances" often give others another opportunity at life. Such characters often allow other individuals another chance to learn and grow from their past behavior, thoughts, and opinions in order to fully more grow as individuals. The restorative justice ideologies are also present throughout this theme because individuals who allow others second chances are less inclined to hold grudges or anger for past behavior. By allowing individuals another chance at their lives and interactions with others, characters in this way experience a kind of compassionate transformation.

The restorative justice perspective is also found in two of the five themes, "second chances" and "becoming more human". Many of the characters in the films were introduced to the criminal justice system based upon their criminal behaviors. Some of the characters, specifically from the three prison films, *American Me, American History X*, and *Shawshank Redemption,* were given second chances after they completed their prison sentences. The characters of the films were granted "second chances" not only by friends and family members but also members of society who were able to see positive

improvements in their lives. By allowing inmates who have recently been released from prisons or jails second chances, the community, the offenders, and even the victims can be helped to experience restoration and come together (Van Ness & Strong, 2006).

The theme of "becoming more human" also demonstrated the restorative justice ideologies. The characters, whether they had been incarcerated or not, were allowed to grow and experience transformation despite their actions and, in turn, the community is able to grow. Characters throughout the films displayed different ways of becoming more human as they were able to transform from traumatic situations and events in which they suffered greatly and caused others to suffer as well. When characters are able to see the larger picture, they can grow into more complete individuals and lead better lives for themselves as well their entire community and society in general.

<u>Implications</u>

This study explored the relationship between popular crime and justice films as well as restorative justice and peacemaking perspectives. Throughout the seven films examined, the perspectives of restorative justice and peacemaking were displayed between character interactions as well as their willingness and ability to overcome difficult situations.

The themes that were examined, "embracing change", "second chances", "hope", "connectedness," and "becoming more human", were displayed through characters' choices, behaviors, and interactions in all seven of the films observed. Themes that were examined used peacemaking and restorative justice core elements such as care, mindfulness, connectedness, and forgiveness and transformative behaviors.

Currently, there are many crime and justice films that open on a weekly basis

across the nation where many individuals and groups contend that the violence displayed in films is reiterate as a positive message to America's youth, in turn causing our society to become more violent (Barak, 1994). This study attempts to suggest that while there are many violent and criminal justice behaviors that are displayed across a wide array of films, there is often an underlying transformative theme where some offenders become better individuals. While there is much criticism of the violence in films as well as television programs, if the possibility exists that through the portrayal of more positive themes and transformed individuals those who view such material could be encouraged to live more positively. Therefore, after viewing crime and justice films, viewers will feel a sense of the powerful lessons learned and develop and more hopeful and less cynical attitude.

<div align="center">Limitations</div>

There are several limitations to the current study. The first limitation is that the author of this study reviewed and analyzed the films. All of the observation and recording of specific character sequences, interactions, and behaviors were only noted by a single researcher. This researcher was also the only one to determine which behaviors and actions were to be categorized into the specific themes examined. Because the researcher was the only observer, the observations taken were strictly her opinion, another observer might have made different assessments of the films.

Another limitation of the current study is the use of the seven films, *12 Angry Men, A Family Thing, American History X, American Me, Crash, Shawshank Redemption*, and *Traffic*. While the majority of these films were popular motion pictures, several of the films, including *American Me* and *A Family Thing*, were not as well known

as the other films. The film, *12 Angry Men,* was also a remake of an older version of the film which was first released in 1957. Most of the films reviewed were released in the mid-1990s to the present time. The films were chosen based upon their representation of criminal justice topics that included police, courts, and corrections as well as character dynamics with racial and prejudice issues. The films selected could have included a more recent sample of films. The film selection also examined all areas of the criminal justice system, but only one of the films was loosely based on actual events.

Another limitation with the current study is that there has not been any previous literature or research done on this particular topic. When focusing on the previous literature, there was little material that related films and restorative justice and peacemaking perspectives. The prior research that examines films specifically looks at the portrayal of criminal justice characters to determine how accurate their behavior is when compared to the individuals with little to no criminal justice affiliation. Because there was little to no research about this specific area, the researcher's design of the project and observations were done with little construction from previous research.

<u>Recommendations for Future Research</u>

For future research there are several issues that can be improved to further enhance the analysis of this type of study. First, focusing on a select genre of crime and justice films, such as one specific area of the criminal justice system, would further improve the research to determine whether or not the themes of restorative justice and peacemaking are more commonly found in films that focus on police, courts, or corrections. Also, it might be helpful for the films used for future studies to be released in the same time period. Although the films that were selected had a range of a release date

that extended over a 15-year period, it could be beneficial to examine films that were released in a more recent time-frame.

When analyzing the specific themes that include restorative justice and peacemaking, it could be beneficial to have a larger observer group reviewing these films instead of a single reviewer. By increasing the number of reviewers, the different notations of themes that were displayed through characters behaviors and interactions will be more consistent and in turn help improve the validity and reliability of the research.

<u>Summary</u>

Films based on crime and justice are very popular in the United States. This type of film will probably continue to be very popular for a number of years because such films explore issues and life situations in which individuals demonstrate strength, courage, and risk. Viewers seem to enjoy the rush of excitement they feel when they watch heroes chase after the villains, endure struggles, and emerge victorious. While many of these films do not depict a true picture of the criminal justice system or individuals' lives in general, the thrill of excitement particularly in the climactic scenes captures the attention of the viewing audience.

While many films that incorporate criminal justice themes and violence are criticized for messages that lead to corruption of societies' youth, a powerful and well written film is often understated. Films that portray characters in violent and action packed behaviors may be criticized for encouraging violence, but well written, directed and acted films are often one way in which powerful messages are instilled throughout the nation's viewers. Even though there are many ways in which films are considered to

be an exceptional film, well written films, with clear messages, often leave the viewing audience with underlying messages, themes, and lessons that go beyond the action-packed sequences. Well written films help portray messages to the greater viewing audience that reinforce themes of hope and change.

In the end, the viewers are left with a more meaningful message about life, one that reminds us that there is not a single part of life that is a guarantee. Life is all about uncertainties, unpredictability, and the journey we experience while we are present here on earth. The journey that we call life is about connections we have to those close to us as well as those whom we do not even know. We as human beings should remember that, in a sense, we are all one and strive in our lifetime to make the world and society a better place because we are here. By realizing that life is not about ourselves, but it is more about the connections we make along the journey and how we help to better the lives of those around us, we come to understand and live out the true meaning of life.

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