

Hollywood's Portrayal of the Death Penalty

Master Thesis

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Hollywood’s Portrayal of the Death Penalty

Although primarily seen as a form of inexpensive entertainment and amusement, the films coming out of Hollywood can often provide a great deal of insight into the social relations and functions of the greater society. Films capture the sense of current modes of thought in terms of political, social and economic structure in a given part of society. There are a great number of theories regarding how the media works to reinforce or reject specific cultural attitudes regarding class, race and gender, most of which are based on the theory of ideology brought forth by Karl Marx. “The Marxian view starts with the observation that ideological views tend to reflect economic power, and thus believes that one should not treat ideas as simply ideas, but rather one should understand them as emanations of financial interests. It does not, however, treat the holders of those views as insincere. Some people, of course, are insincere in their views. But this is

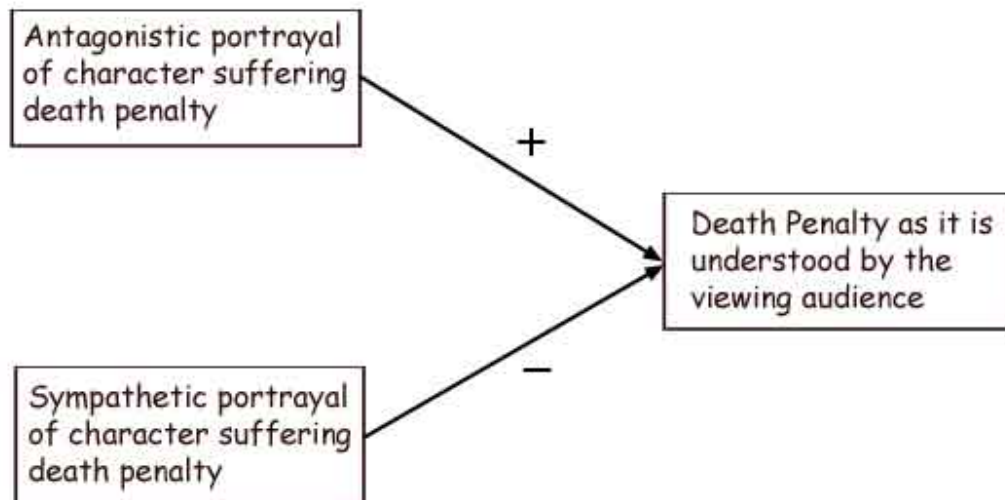
relatively minor. More broadly, one has a kind of self-deception. People are more open to views that are congenial to their interests. Even more important, ideas are more likely to gain wide currency when they are in line with the interests of powerful economic actors” (Yglesias, 2005). Thus, many of the films that come out of Hollywood tend to reflect the ideologies held by those with the most amount of money regardless of humanitarian concerns or with respect to the effects that the actions of big money might have upon those at the other end of the economic spectrum. These messages are so prevalent that they are not even questioned in most circles, but rather exist as fundamental beliefs of the prevailing culture. Because of the ways films draw on and/or participate in the production of ideas about power, social relations, institutions, and intimacies, it is crucial to analyze Hollywood, both as an institution that articulates ideas and ways of thinking about the world as well as a reflection regarding what is taking place in the world. More broadly, what does Hollywood say when it comes to important issues such as the morality and humanity of the death penalty and more specifically, how do films participate in the creation of our collective society and value systems? How does this compare with the current research on criminal justice?

To reach to some answers to these important questions, this study will analyze ten films produced in Hollywood during the past twelve years. These films include: *Dead Man Walking* (1995), *Just Cause* (1995), *Primal Fear* (1996), *Last Dance* (1996), *The Chamber* (1996), *True Crime* (1999), *The Green Mile* (1999), *Shot in the Heart* (2001), *The Life of David Gale* (2003) and *Monster* (2003). These films were chosen because Hollywood advertised them as films on “death penalty.” In watching the films I am first looking for how death penalty is articulated within the context of the story (one or more

of the characters in the story is executed through the normal legal processes of the state). Secondly, I am looking to see what kind of epistemological framework is articulated, as well as the ways theatrical aspects of the film (visible elements of the film) and cinematography (evidence of behind the scenes activity) contribute to the overall effect. The pattern that unfolds is significant as it comes to depict just what Hollywood is telling us regarding the morality and humanity of the death penalty. This pattern will finally be compared to what current criminal justice research has revealed and thus help determine whether Hollywood presents an accurate view of reality.

In watching these films, I am looking for major themes that emerge around what will be the dependent variables of the study operationalized by the presence of the death penalty within the context of the story (one or more of the characters in the story is facing execution through the normal legal processes of the state). A set of questions (the independent variables) will be applied to each film in the areas of theoretical aspects of the story, theatrical aspects of the film (visible elements of the film) and cinematography (evidence of behind the scenes activity). Through this process, it is believed that a pattern will emerge depicting just what Hollywood is telling us regarding the morality and humanity of the death penalty.

For instance, is the portrayal of the major character who comes to be understood to “deserve” death penalty as understood by the audience antagonistic or sympathetic?



I am arguing that Hollywood is interested first in telling an interesting story and then supporting its big money backers. I am arguing that some films demonstrate sympathetic portrayals of the criminals and thus encourage audiences to work against the death penalty as an effective means of controlling crime. Whereas other films end up supporting the use of the death penalty as an effective means of deterring crime. Content analysis will be used as a means of determining the stance taken on the issue within each film. It will be important during this analysis to consider whether these films represent a typical or atypical death penalty case as these are defined within criminal justice literature, primarily as issues pertaining to race, class, economic and other social factors come into play.

Literature Review

Whether Hollywood is leading the charge to get the death penalty abolished or is merely taking part in a national dialogue that has been occurring under the radar of today's politicians remains an unanswered question (Waxman, 2000), but the idea that

the motion picture does indeed have an effect on public opinion cannot be denied.

According to Sydney Cohen, president of the Motion Picture Theater Owners of America near the beginning of the industry's rise to greatness, the power of film lies in its mode of delivery. "Its language is simple, vivid and direct, because it appeals to the eye, which has been called the immediate channel of the soul; because it impresses with equal force the literate and the illiterate, the motion picture has developed into an agency more powerful than either the printed or the spoken word (cited in Pierce, 1998). It was recognized even as early as 1921 when this statement was first uttered that film's ability to transcend questions of literacy and language could function as a control to either subdue or incite public reaction regarding a variety of issues and causes.

The available literature demonstrates a tendency within Hollywood to choose only those stories of death row inmates who have a sympathetic side, such as the death row inmate Stanley 'Tookie' Williams who was recently executed in California. In an article written by Rick Halperin (2004), it is outlined how this man, who killed four people as a founding member of one of the most violent gangs in Los Angeles, has had a movie made about him because of his actions after imprisonment and is thus about whether or not a man can find redemption rather than about his violent past. "This movie, more than anything, defined for us an almost Greek-like version of drama and a dramatic question of: Can a man redeem himself? In this instance, can a man who's been convicted of the most heinous of human acts redeem himself?" (Peter Liguori cited in Halperin, 2004). It was argued by the families of the victims, however, that even though the film did not go into the details of the crimes committed, through its very title – *Redemption* – it suggested that the death penalty was too harsh a penalty for his crimes.

Despite the impression that many of the films produced in Hollywood are working against the death penalty, though, there is disagreement regarding whether the industry is actually working to abolish the practice or has the impact it once might have had. According to one professor at the University of Chicago, a combination of a more aware public, more practiced in screening the information they receive from media outlets, and a great deal of outside information from anti-death penalty groups create a situation in which it is difficult to judge just how much films are impacting public opinion in this area (Waxman, 2000). In addition, Hollywood directors argue that there are more films in favor of the death penalty through various means, such as depicting bad guys who would never consider redemption as a desirable choice even when these criminals are never brought to trial within the context of the film. Opponents to this argument suggest that because these bad guys are killed rather than taken, the question of whether the death penalty was appropriate is never considered. Through arguments such as these, it becomes a matter of interpretation whether the death penalty was even truly brought into the conversation.

Thus, to gain a better understanding of whether Hollywood has made an attempt to reflect the current research regarding death penalty cases, it is necessary to understand what the current research suggests. One of the major elements of the debate is whether the death penalty constitutes 'cruel and unusual punishment' or if it is justice to end criminals' lives as a result of their taking of life. The Supreme Court has always ruled the terminology of the Eighth Amendment does not exclude the implementation of death as punishment (Mott, 2004). The Constitution is a malleable document, however. The interpretation of the Eighth Amendment has evolved as a result of changing societal

values. With respect to capital punishment, though, “the Court has maintained that there remains broad public support for the death penalty as a remedy for the most serious of crimes” (Mott, 2004).

Historically speaking, the rationale for punishing criminals has been to avenge the crime, to protect society by imprisoning the criminal, to deter that person and other potential offenders from the commission of crimes and to obtain reparations from the offender (Wolfgang, 1998). Throughout the history of civilization, this rationale has not changed substantially. The four fundamental reasons society punishes can be classified into two areas. One is to obtain desired consequences which includes protecting society, seeking compensation and deterrence. The other, retribution, reparation or vengeance, involves punishment for a wrong perpetrated on society. Those that subscribe to retribution as justification for the death penalty often invoke the Bible’s reference to ‘an eye for an eye.’ Aggression must be met with aggressive punishment (Olen & Barry, 1996: 268). “This use of punishment is society’s way of striking back at one who has disturbed the emotional and ethical senses of a people” (Lunden, 1967: 232). In addition to a vengeful act, the death penalty is the ultimate preventative measure (Olen & Barry, 1996).

The Supreme Court has upheld that capital punishment does not fall under the category of exceptionally ‘cruel’ but has ruled that it does violate the Eighth Amendment if it is considered unusual. In the *Furman v. Georgia* case of 1972, the Supreme Court ruled that the death penalty was being subjectively applied because a disproportionate amount of minorities had faced execution which made the practice ‘unusual’ (“*Furman v. Georgia*”, 1972). As a result of the decision, approximately 600 persons on death row

had their sentences commuted to life. In addition, no executions were permitted in the U.S. until it was again resumed in 1976. However, the majority of death penalty opponents believe that the practice continues to be intrinsically biased against those of lower income and minorities (Olen & Barry, 1996: 272).

Capital punishment opponents claim that wealthy, white criminals are less likely to be executed than underprivileged minority members of society and if the victim is white or wealthy, it is more likely to be imposed. The statistics provide evidence for their claim. Since 1976, 43 percent of executions in the U.S. have been black or Hispanic. This group accounts for 55 percent of those currently on death row. About half of those murdered in the U.S. are white but 80 percent of all murder cases involve white victims. From 1976 to 2002, 12 whites were executed for killing a black person while 178 blacks were executed for murdering a white person ("Race", 2003). It would seem that the 'unusual' aspect of the death penalty continues to be a valid argument but another aspect must be present for the practice to again be abolished. "There is ample evidence that the death penalty is applied with a discriminatory impact based on the race of the victim, but a constitutional challenge requires intentional discrimination" (Mello, 1995: 933).

Many proponents of the death penalty believe that it is an option of last resort for criminals that cannot be rehabilitated. They also argue that every murderer executed is one less person that the taxpayers are not feeding and housing. They believe "the cost of supporting criminals in maximum security prisons until they die is very high and they do not feel the innocent tax payer should not have to foot the bill for the care of depraved criminals who've demonstrated that they have no respect for society's laws or human life" (Olen & Barry, 1996: 273-274). Additionally, a lengthy appeals process is a costly

process that ties-up the court system. This cost is considered by opponents to be an insignificant argument because the value of human life cannot possibly be broken down into columns on a profit and loss ledger. Department of Justice statistics clearly illustrate that the death penalty contains many constitutional flaws. Between 1973 and 1993, almost half (forty-two percent) of inmates awaiting the death sentence had their sentences commuted or reversed. Capital punishment is “a waste of money and resources in producing what turns out to be counterfeit death sentences in almost one out of every two instances” (McCloskey, 1996: 7).

Opponents deny that the death penalty is a deterrent to crime because of the nature of the reasons people commit homicide. These crimes are usually committed as a result of impulsive actions and not carefully considered beforehand. Therefore, “the deterrent case has no validity” (Johnson, 1968). If the person committing the murder does contemplate the consequences, they may kill not only the victim but any witnesses as well rather than risk being caught (Olen & Barry, 1996). Many studies have been performed to determine if the death penalty is indeed deterrence to crime. They are conducted by “comparing homicide rates in contiguous jurisdictions, some of which had abolished capital punishment; examining time series data on homicide rates within a jurisdiction during the years before and after the abolished capital punishment; and comparing homicide rates in a jurisdiction before and after the imposition of the death sentence or execution” (Hagan, 1985). These studies have unanimously demonstrated that the death penalty does not deter crime.

Criminal justice literature thus enumerates several issues related to the death penalty that might appear in Hollywood productions in such a way as to either support or

protest the death penalty. The first of these is determining whether the death penalty constitutes 'cruel and unusual' punishment either via method or in terms of socio-economic status. Inherent in this question, then, are considerations of whether the death penalty is viewed as a punishment of last resort and whether minorities or lower socio-economic class are over-represented. There is also a concern regarding whether or not the death penalty is actually an effective deterrence to crime and whether the cost of prosecution is justified. How Hollywood films address or ignore these issues can convey a great deal regarding how they influence public perception regarding this punishment option.

Methods and Findings

Content Analysis

Generally speaking, content analysis refers to a process whereby a specific element is analyzed for instances of various individual aspects. For example, it might be counted how many times reference is made to the pathos of a character or how often the lighting becomes subdued in a film to illustrate lack of personal direction. Because it relies more upon the number of instances of a given element, this is deemed to be a less subjective method of evaluating what is being presented. It is also deemed an effective means of determining the effect a presentation might have upon an audience (List, 2002).

During the course of this research, each of the ten films will be watched carefully for instances related to the issues identified through the criminal justice literature as being of prime importance in the death penalty debate. These will be looked for in a

theoretical, theatrical and cinematographic context and presented in a brief discussion as well as tabled format such as in the example below:

The discussion section for each film will highlight the answers given to a list of questions devised for each film as they apply within the three major categories to the five major issues of the death penalty. These answers will provide the figures to be used within the accompanying chart. The results for each film can then be collated into a master table, providing a clear picture of Hollywood’s portrayal of the death penalty as it compares with recent criminal justice literature.

	Cruel or Unusual		Discriminatory		Last Resort		Deterrence for Crime		Cost of Prosecution	
	+	-	+	-	+	-	+	-	+	-
Theoretical										
Theatrical										
Cinematographic										
Total incidents										

There will be a necessary element of subjective opinion within the research as it will be up to the researcher to determine which theoretical, theatrical and cinematographic elements support or refute which criminal justice issue as the questions applied to each film will necessarily be answered differently based upon the subjective presentation of each film. As much as possible, however, the researcher will attempt to discover means of applying questions equally despite subject differences (see **Appendix A** for list of questions).

Findings

The content analysis was conducted by first identifying several films that had some relationship to each other and the death penalty. These films were all created

within Hollywood within a 12 year period, were produced for a mass audience and featured the death penalty as a major theme of the story. The films were analyzed for content from the perspective of pre-selected questions designed to focus on the theoretical, theatrical and cinematographic aspects of each film as it pertained to whether the film was designed to elicit sympathetic or antagonistic reactions among a general audience. The answers to the questions were then compiled and compared to determine whether Hollywood generally depicted the death penalty as a positive practice for the protection of society or as a negative practice delivering overly harsh penalties on offenders who were either innocent, had extenuating circumstances or who might have otherwise found redemption within the walls of a prison. This is then compared to the general conclusions found within criminal justice literature regarding the five issues of cruel and unusual punishment, social or racial discrimination, a punishment of last resort, effective deterrent or whether the cost of prosecution was justified for the end results.

Dead Man Walking (1995)

Theoretical

Theatrical

Cinematography

Just Cause (1995)

Theoretical

Theatrical

Cinematography

Primal Fear (1996)

Theoretical

Theatrical

Cinematography

Last Dance (1996)

Theoretical

Theatrical

Cinematography

The Chamber (1996)

Theoretical

Theatrical

Cinematography

True Crime (1999)

Theoretical

Theatrical

Cinematography

The Green Mile (1999)

Theoretical

Theatrical

Cinematography

Shot in the Heart (2001)

Theoretical

Theatrical

Cinematography

The Life of David Gale (2003)

David Gale – secondary source

http://www.santegidio.org/pdm/news2003/12_02_03.htm

Theoretical

Theatrical

Cinematography

Monster (2003)

The film *Monster* chronicles the story of serial killer Aileen Wournos, a prostitute in Florida who was convicted of killing several of her potential clients and was sentenced to death. The film begins just before she meets her lesbian lover Selby, who provides her with the single reason she needs not to commit suicide. In order to keep a date with Selby, Aileen murders a customer who had tied her up and apparently intended to hurt her. Her affair with Selby is severely discouraged by Selby's relatives, who have a

problem with Selby's lesbianism as well as the idea of her seeing 'street people', so the two women run away with the money that Aileen's made and the car she took from the man she killed. Aileen attempts to find legitimate employment so that she can provide for Selby, but is greeted with derision everywhere she goes because she doesn't have any marketable skills. This frustrating job search is concluded when Aileen is stopped by a crooked policeman who simply wants free sex. Forced to return to prostitution, but not able to conceive of the activity anymore, Aileen begins killing clients for their money and cars while Selby begins developing an independence that threatens their relationship as well as their anonymity. Aileen's clients become less and less guilty of violence themselves and she is finally caught when Selby turns her in as a means of saving her own neck. The film ends by informing the viewer, through text messages, that Aileen was executed having never spoken with Selby again.

Rather than eliciting a response directly related to the death penalty, the director of this film focuses attention on the social issues that need to be fixed in order to avoid producing more children who will grow up to become serial killers. Perhaps because this is based on a true story as opposed to many of the other films that are fictional accounts, this emphasis on her background causes the audience to feel sorry for Aileen, the murdering protagonist. The fact that she cannot even make the simplest of her dreams come true, to have someone truly love her, is a sad commentary on modern society's irresponsibility toward each other until it becomes a direct threat. As part of the argument, the director includes a great emphasis upon various aspects of Aileen's psychology, emphasizing the human need for love and fellowship and how this can quickly go wrong when not given the opportunity to move in more positive directions.

While her actions are portrayed as horrendous, especially just before she is caught, the public reaction as a result of this presentation tends to be one of sympathy and a general appeal for attempts at reform rather than execution. This is a quite different reaction from the published accounts of the real-life Aileen Wournos of whom the movie was made. According to her biographer, Sue Russell, Wournos once told her “I’m one who seriously hates human life and would kill again” (cited in Malkin, 2004). The real-life character did not have the pathetic and deeply moving desire for attention and love that is portrayed in the film. “She fantasized about a Bonnie-and-Clyde-style life of crime, cunningly covered her tracks, and nonchalantly made off with her victims’ belongings to bring home to her lesbian lover” (Malkin, 2004). This represents a significant deviation from what the film presents and thus calls into question the film’s veracity. Based upon the actions she undertook in her lifetime, the film seems the less credible account of her emotional life.

The execution itself is placed so far in the background that the only time it even enters the discussion at all is at the very end of the film. As the screen fades to white and the sound fades out, small text appears in the center of the screen to inform the audience that Aileen Wournos was executed after having spent 12 years on death row, having never talked to her lover again. This final piece of information, quickly and concisely rounding out the life history of this woman, thus arrives at a moment of extreme ethos. Aileen, in the film, is talking with a weeping Selby and attempting to comfort her. She appears in the courtroom as the sad conversation continues and watches Selby being led in, testifying and then almost coldly pointing a finger directly at Aileen. There is certainly no remorse or concern for Aileen’s welfare evident in these motions. Aileen

breaks down and then is led away down a white hallway before the final text scene is shown. This close proximity of scenes ensures that the emotion of the courtroom scene is carried over into the knowledge of Aileen's execution. As if that isn't enough, the director includes the tidbit of information that she never again spoke with Selby, making her case seem even more pathetic and again pulling at the heartstrings of the audience.

Not introducing the topic of Aileen's execution until the very end of the film reduced the film's ability to take too much of a stance directly addressing the death penalty issue; however, it's deliberate evocation of sympathy for Aileen is certainly intended to influence the opinions of those viewing the film to view the death penalty in a negative light. Her crimes are depicted within the film and they are indeed demonstrated to be relatively bloody at times, but this does not detract from the audiences' general impression that this was a woman who was the product of long-term abuse and the breakdown of society. Although the story is told from the point of view of the killer, this aspect of the film is de-emphasized while her efforts to change her direction are perhaps over-emphasized. Her tremendous need to be loved by someone is the strongest characterization in the film, suggesting that she was a likely candidate for reformation within the system, but there is no indication that any penalty other than death was even among the considerations upon her capture.

In this respect, it is determined that the film did achieve its aim in attempting to force audiences to consider the underlying social structures that contribute to violence. Through the course of the story, attention is focused on failed child protection services, inadequate homeless services and a completely unsympathetic and discriminatory public.

It is further determined that the film adopts an overall negative perspective on the subject of the death penalty.

Referring to the questions presented in **Appendix A**, the following chart indicates whether the various elements of the film are intended to favor the killer (thus taking a negative stance on the death penalty question) or to favor the justice system and taking a positive stance on the death penalty. As was determined in the literature review, the five primary issues identified within the death penalty controversy are whether it is cruel or unusual punishment, whether it is discriminatory, whether it is actually used as a punishment of last resort, whether it is a true deterrent for crime and whether the cost of the process is justified. Applying each of these concerns to the questions listed in **Appendix A** provides the data used in the chart – a 1 indicates the film took either a positive (favors death penalty) or negative (against death penalty) stance regarding that particular question while a 0 indicates the film did not necessarily address the issue at all. Adding the columns together and comparing them with each other thus provides a general overview of whether the film promotes or attacks the death penalty as an appropriate means of justice.

Analysis of *Monster*

	Cruel or Unusual		Discriminatory		Last Resort		Deterrence for Crime		Cost of Process	
	+	-	+	-	+	-	+	-	+	-
Theoretical	0 1	0 1 1 0 1 0 1	1	1 1 1 1 0 1 1	0 1	0 1 1	1	1 1 1 1	1 0 1 0	1 0 0
Theatrical	1 1	1 1 1	1	1 1 1 1 1	0 0	0 1 1 1 1	1	1 1 1 1 1	1 1 1 1	1 1 1
Cinematographic	1 1 1 1	1		1 1 1 1		1 1 1 1	1 1 1	1 1 1	1 1 1 1	
Total incidents	7	9	3	17	1	11	4	12	11	3

The analysis supports the overall impression that *Monster* is predominantly situated against the concept of the death penalty. The film reflects the public divide and the divide in the criminal justice community regarding the issue of whether the death penalty constitutes cruel and unusual punishment. According to the literature review, aggressive punishment, the old Biblical reference to ‘an eye for an eye’, is necessary as a means of effective deterrence from the most violent crimes. Yet this position is questioned by those who remember the New Testament retraction of this in Jesus’ ‘turn the other cheek’ advice. In addition, the definition of unusual punishment is contested not only in the

methods of delivery, but also in the evidence that suggests a disproportionate amount of black or underprivileged individuals are sentenced to death compared to white people of means. In this case, the film supports the research in its portrayal of the death penalty as being largely driven by discriminatory forces, in this case against women, the homeless, lesbians and/or prostitutes. Although it is not seen to be the option of last resort as the research suggests is the popular belief, the apparent cost of the process is kept to a minimum, seeming to suggest a correlation between reducing costs as well as justice.

Overall, the film is mostly a propagandistic piece that illustrates the ills of society rather than directly addressing the issue of the death penalty itself. It presents an atypical case in that it demonstrates a female serial killer, itself an unusual situation, but it does so in such a way that reinforces the societal concept of a woman as incapable of hurting others without provocation. Aileen is demonstrated to have been abused from a very young age and desperately in need of love and compassion. When she finally gets it, she is willing to do anything at all to keep it, including murder. As the murdering spree starts, she is seen to kill only those whose murders can be 'justified' – those who intended to hurt her, those who have hurt others and those who carry weapons. In this respect, she is seen to have justified her actions despite the harm that's been done to her, again reinforcing the concept of the protective mother rather than the twisted killer. The film's de-emphasis on the execution itself keeps the focus on the tragedy of this woman's life and heightens the pathos of her situation. The speed with which the trial and the execution are depicted suggest the death penalty could not be invoked fast enough for this woman. Through this depiction, the legal system is portrayed as unjust in its

unwillingness to attempt rehabilitation even if Aileen was never again permitted outside the prison.

(Thesis) Conclusion

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Appendix A

Following are the lists of questions that were applied to each of the ten films as they applied to the five criminal justice categories that were identified as being main points of contention within the death penalty debate. In many cases, the same questions are asked across criminal justice categories, but in each case, the question is considered as it applies to the specific issue being discussed. For example, questions regarding the screen play are applied across all five criminal justice categories (cruel or unusual punishment, discriminatory, last resort, deterrence, cost), but each answer will reflect how the film applies in terms of cruel or unusual punishment within that column. The number placed to the side of each sub-section reflects the total number of possible points each category can accumulate if all answers apply and all are positive or negative. General film questions are not provided a rating but are instead intended to provide an overall view of the film's intent and effect. In each case, positive response is considered to be in favor of the death penalty while negative response is considered to be against it.

General film questions

- ◆ What did the director make the viewers feel about the film? What are the reactions to put this person to death?
- ◆ Is execution the central theme, or is a part of the background?
- ◆ Bottom-line – for or against executions after viewing this film?
- ◆ Did the film achieve its aim?
- ◆ Any other comments about the film?

Theoretical film questions

Does the death penalty constitute Cruel or Unusual punishment? – (8)

- ◆ Is the killing of the victim(s) shown? Is the execution shown?
- ◆ Is the death row inmate: Innocent, Guilty, Doubts: Whether there is any doubt or uncertainty?
- ◆ Families. How did they react? Victim(s) (whether his or her family were allowed to testify at sentencing); Offender: whether his or her family were allowed to testify at sentencing
- ◆ Is this a one sided approach or two sided approach? (One-sided approach: hate criminal, bad guy; Two-sided approach: concern about the criminal and about society's safety)
- ◆ How was the death row inmate executed?
- ◆ How long did it take for the execution in the film? Dramatic purposes - How many years till the execution; How long did the execution take in the film
- ◆ Race. Did the film raise the issue of race? Race of defendant; Race of victim(s); Court proceeding (e.g. defense attorney, judge, prosecutor, jurors)
- ◆ How sophisticated are the arguments of the film? What details are available to us through the film?

Does the process seem to be Discriminatory? – (10)

- ◆ How detailed is the film? Does it tell us what we need to know? (Background, Crime, Victim)
- ◆ How realistic is the film? Is the real world more complicated? Is the film fair? Does it show what jurors need to view?
- ◆ How was the death row inmate portrayed? (In a sympathetic light: mitigating factors, or In an unsympathetic light: aggregating factors)
- ◆ Is the death row inmate: Innocent, Guilty, Doubts: Whether there is any doubt or uncertainty?
- ◆ Is one sided approach or two sided approach?
- ◆ How long did it take for the execution in the film? Dramatic purposes - How many years till the execution; How long did the execution take in the film

- ◆ Different genre (e.g. is this film based on a true story?).
- ◆ Race. Did the film raise the issue of race? Race of defendant; Race of victim(s); Court proceeding (e.g. defense attorney, judge, prosecutor, jurors)
- ◆ What is the role of gender in this story?
- ◆ How sophisticated are the arguments of the film? What details are available to us through the film?

Is the Death Penalty used as a Last Resort? – (4)

- ◆ How detailed is the film? Does it tell us what we need to know? (Background, Crime, Victim)
- ◆ How realistic is the film? Is the real world more complicated? Is the film fair? Does it show what jurors need to view?
- ◆ Are there any honest or intentionally misleading mistakes in the decision to put this person to death? (Eyewitnesses, Evidence e.g. lab, Lie detector test)
- ◆ How long did it take for the execution in the film? Dramatic purposes - How many years till the execution; How long did the execution take in the film

Does the death penalty offer a Deterrence for Crime? – (5)

- ◆ How detailed is the film? Does it tell us what we need to know? (Background, Crime, Victim)
- ◆ How realistic is the film? Is the real world more complicated? Is the film fair? Does it show what jurors need to view?
- ◆ Is the death row inmate: Innocent, Guilty, Doubts: Whether there is any doubt or uncertainty?
- ◆ Is one sided approach or two sided approach?
- ◆ How sophisticated are the arguments of the film? What details are available to us through the film?

Is the Cost of Prosecution justified? – (5)

- ◆ Are there any honest or intentionally misleading mistakes in the decision to put this person to death? (Eyewitnesses, Evidence e.g. lab, Lie detector test)
- ◆ Is the death row inmate: Innocent, Guilty, Doubts: Whether there is any doubt or uncertainty?
- ◆ Families. How did they react? Victim(s) (whether his or her family were allowed to testify at sentencing); Offender: whether his or her family were allowed to testify at sentencing
- ◆ How long did it take for the execution in the film? Dramatic purposes - How many years till the execution; How long did the execution take in the film?
- ◆ How sophisticated are the arguments of the film? What details are available to us through the film?

Theatrical film questions

Does the death penalty constitute Cruel or Unusual punishment? – (6)

- ◆ **SCREEN PLAY:**
Quality: Originality, Plausibility, Depth, Impact (Humor, Drama)
Dialogue
Narration
Titles
- ◆ **DIRECTING**
Blocking and Movement of Actors
Clarity of Story
Pace
Mood
- ◆ **ACTING**
Character Development
Physical Presentation
Interaction
- ◆ **SETTINGS**
Did the settings work?
Did the settings help to create the mood?
Were settings actual locations or artistic creations or recreations

- ◆ SOUND
 - Music (Internal)
 - Music (External)
 - Sound Effects
 - Vocal Sound
- ◆ COSTUMES
 - Realistic
 - Imaginative
 - Appropriate

Does the process seem to be Discriminatory? – (6)

- ◆ SCREEN PLAY:
 - Quality: Originality, Plausibility, Depth, Impact (Humor, Drama)
 - Dialogue
 - Narration
 - Titles
- ◆ DIRECTING
 - Blocking and Movement of Actors
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Does the death penalty offer a Deterrence for Crime? – (6)

- ◆ SCREEN PLAY:
Quality: Originality, Plausibility, Depth, Impact (Humor, Drama)
Dialogue

Narration
Titles

- ◆ DIRECTING
 - Blocking and Movement of Actors
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- ◆ ACTING
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- ◆ COSTUMES
 - Realistic
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 - Appropriate

Is the Cost of Prosecution justified? – (6)

- ◆ SCREEN PLAY:
 - Quality: Originality, Plausibility, Depth, Impact (Humor, Drama)
 - Dialogue
 - Narration
 - Titles

- ◆ DIRECTING
 - Blocking and Movement of Actors
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 - Realistic
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 - Appropriate

Cinematographic film questions

Does the death penalty constitute Cruel or Unusual punishment? – (5)

- ◆ USE OF FRAMING:
 - How did the director use framing to enhance story telling?
 - How did the director use distance, height and vantage point?
 - Were changes in framing important?
 - What use was made of various shots? (Straight-on angle shots? High angle shots? Low angles shots? Extreme long shots? Long shots? Medium long shots? Medium shots? Close Ups? Extreme Close ups? Soft focus?)
 - How did the director use mobile framing and shot duration?
 - How did the director help you follow the story by the way (s)he centered the action?
- ◆ USE OF LIGHTING
 - How did the director use color to create the mood or tell the story?
 - How did the director use tonalities of black and white to create mood?
 - What type of lighting did the director use? (High contrast? Low contrast? Over exposure? Under exposure?) Why?
 - Did the director shoot the film using a special type of film? Why?
 - How did the director use light placement (front, back, side, light filters)?

- ◆ USE OF CAMERA MOVEMENT
(Pan, Tilt, tracking shots, crane shots, hand held camera techniques)
What types of camera movement did the director use? Why?
How did the camera movement make you feel as you watched?
Did the camera seem static or fluid? Did the use of movement add or detract from the film?

- ◆ EDITING
How did the editor use continuity or discontinuity editing? Was it effective?
Did the editing enhance or detract from the film? How?
How was the film edited for graphic relations between shots?
How was the film edited for rhythmic relations between shots?
How was the film edited to show spatial relations?
How was the film edited to show temporal relations?
Did the editor make effective use of various techniques? (Fade out, fade in, dissolve, wipe, cut, jump cut, nondiegetic inserts, deliberate inconsistent match on action).

- ◆ USE OF SETS AND SPECIAL EFFECTS
What kinds of sets and special effects were used? (On location? Studio Sets? Composites, Glass shots, Matte, Rear Projection, Animated? Digitally produced?)
Were the sets realistic or stylized?
Did the sets add to or detract from the film? How?
How were the effects achieved?
Did the tail wag the dog? (Were the effects more important than the story?)

Does the process seem to be Discriminatory? – (5)

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