CRIME AND PUNISHMENT: REFRAMING AUDIENCE PERCEPTION OF JUSTICE IN BATMAN TRILOGY

SUÇ VE CEZA: BATMAN ÜÇLEMESİ ADALETİN HEDEF KİTLE ALGISI

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Abstract

Film scholars debate whether mainstream Hollywood film industry creates social values or merely reflects social values, or even creates and then reflects social values, which leads to the fact that films inarguably resonate with their socio-historical-economic moment. Culture shapes media even as media shapes culture. The role of media in public perceptions and understandings of crime and justice issues cannot be underestimated. While films do not purport to be truthful, they seek to create a kind of reality that audiences will accept as credible and valid. This study aims at exploring primarily what the relationship is between law, language and film, with the emphasis on how crimes are constructed, how victimization is represented and how justice is treated in the comics especially the Batman series by Christopher Nolan.

Key Words: Crime, Films, Justice, Perception

Özet

Film eleştirmenleri Hollywood film endüstrisinin sosyal değerleri mi yansıttığı yoksa yarattığı yoksa once yaratıp sonra sosyal, tarihi ve ekonomik ana uygun yansıttığı konusunda hemfikir değildirler. Kültür medyayı ve medya da kültürü biçimlendirir. Medyanın suç ve adaleti konusundaki halkın algısı ve anlayışı küçümsenmemelidir. Filmler gerçeği yansıtmak amacında değilseler de izleyicinin geçerli ve inanılır bulduğu bir gerçeklik yaratma amacındadır. Bu çalışma, kanun, dil ve film arasındaki ilişkiyi incelemekte, suçun nasıl oluştuğu, kurbanlaşmanın nasıl temsil edildiği ve adaletin nasıl gösterildiğini özellikle Christopher Nolan in Batman serisinde vurgulamaktadır.

Anahtar Kelimeler: Suç, Filmler, Adalet, Algı

Far from an objective lens of events, the media are platforms wherein our social reality is not only reflected but to some extent negotiated and developed. One of the

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most influential media forms is movies which communicate other meanings that are best defined as ideological because they contribute to our taken-for-granted beliefs about the courses of crime. Past literature has suggested that film constructions of crime and justice present a narrow range of images that emphasize predatory violent crime and retribution (Surette, 2007). It is becoming increasingly important to examine media/films contributions to our societal knowledge based on crime, particularly portrayals of societal responses to crime and their effectiveness. These cultural constructions carry the potential to create misinformation about the nature and causes of criminality while reinforcing dominant ideologies about justice and punishment. Adorno and Horkheimer (2002) warn the movie goers against their assumptions that the world outside is an extension of the film they have watched. Filmmakers employ all sorts of means to design and develop intense and flawless techniques that duplicate empirical objects so that it becomes easy for the illusion to prevail in the outside world that is seen as the straightforward continuation of what is presented on the screen.

Nussbaum (2013) agrees with her predecessors' law as a branch of literature" point of view. She sees law as narrative, mainly emphasizing the corpus of novels, considering that literary fantasy can contribute to the rational construction of jurisdical arguments and enhance our moral sensitivities to social oppression and injustices by expanding our imagination. In her words, the study of law as literature could enrich our understanding of legal interpretation, legal rhetoric and legal narratives by drawing on the theories and practice of interpretation, rhetoric, and narrative in other academic disciplines and contrasting them with conventional legal theory and praxis.

Rafter (2006, p. 3) suggests that crime films not only reflect current attitudes and tensions in society, but also 'shape the ways we think about these issues'. George Gerbner and his colleagues at the University of Pennsylvania conducted several studies to examine the relationship between media content and public attitudes and beliefs about crime (Gerbner & Gross, 1976; Gerbner, Gross, Signorielli, Morgan, & Jackson-Beeck, 1979). Based on this research, Gerbner proposes a cultivation theory, a theoretical perspective that posits that high levels of television exposure results in a misperception of real-world conditions and a 'mean world' effect wherein viewers construct the world as a dangerous place.

Fictional media sources, including film and television, may also have persuasive effects on public attitudes and beliefs (Appel, 2008; Appel & Richter, 2007). A study by Schiappa, Gregg, and Hewes (2006), for instance, finds that exposure to episodes of the television sitcom, Will & Grace, among university students who reported little prior social contact with gay men was correlated with reductions in sexual prejudice toward homosexuals.

The public is what Rothe and Ross (2007, p. 331) call a 'largely visual generation that more readily identify with images . . . [than] printed text'. As a result, the views and perceptions of individuals may be strongly formed and shaped through visual culture. Kappeler and Potter (2005) further argue that the mass media provides 'convenient mortar' by which to fill gaps in knowledge for unfamiliar social

phenomenon, by offering simple explanations for events and processes that cannot easily be understood.

Consistent with this observation, Holbert, Shah, and Kwak (2004) observe that viewing television news and reality-based police shows is associated with greater support for capital punishment, more positive attitudes toward gun ownership, and an increased likelihood of actually owning a handgun.

Vengeance and punishment for wrongdoings, and their association with justice, are common narrative themes in television and film (Coyne & Archer, 2004) Television shows and super hero movies popularize vigilante heroes. Comic books also frequently depict extra-legal violence and punishment as a necessary response to crime (Fingeroth, 2004; Lovell, 2002; Phillips & Strobl, 2006). Content analyses of comic books have shown that popular titles such as *Batman, The Punisher,* and *Spider-Man* frequently depict law enforcement as corrupt and inadequate, and construct retribution and vengeance as legitimate responses to crime.

The popularity of retributive justice may reflect a public need for punishment in response to perceived violations of the social order (Vidmar & Miller, 1980). Immanuel Kant argues that punishment is a matter of justice and that the absence of punishment signifies the absence of justice (Rachels, 2007). Other scholars have described the act of punishment itself as a form of social ritual wherein shared moral values are believed to be communicated to offenders and a natural social order restored. Theories of human behavior in psychology have similarly identified justice as a core need for people. Lerner (1980) proposes the concept of 'Belief in a Just World,' a theory that argues that people have a strong desire to live in a fair world where people get what they deserve and deserve what they get. From this theoretical perspective, our need to believe that the world operates on principles of fairness influences how we evaluate victims of crime and criminal justice system responses to crime.

Crime dramas in which characters evaluated as positive are rewarded and other characters perceived negatively are punished have been shown to elicit more favorable responses from viewers (Raney, 2005; Raney & Bryant, 2002). Based on these findings, the average viewer appears to conceptualize the restoration of justice with punishment or a 'good defeats bad' narrative structure.

The purpose of this study is to probe how crime and criminality are constructed in Batman triology. For this purpose, an ethnographic content analysis (ECA) of Batman trilogy was conducted. Content analysis, which is most often associated with quantitative research, is a 'systematic coding and categorizing approach' (Grbich, 2007, p. 112). Comparatively, Altheide (1987, p. 68) describes an ECA as an approach 'used to document and understand the communication of meaning, as well as to verify theoretical relationships'. Contrary to most approaches to content analysis, ECA is more qualitative in nature (Altheide, 1987, 1996) and allows the researcher to conduct a thematic analysis.

Analyses of narrative patterns that emerge from observations throughout the film samples identify five broad thematic categories:

(1) crime as an invading social evil;

(2) social inequality and the limitations of retribution;

(3) prevailing justice

(4) Gotham as a sin city

(5) depersonalized villians.

Across these themes, the manners in which crime, criminality, and victimization are constructed influence the models of justice that are subsequently portrayed in trilogy. The dominant crime picture is crime as invading evil and the invitation to retribution. Overall, the narrative frameworks for crime and justice constructed in the sample reproduce populist notions of justice embedded in retribution and punishment identified in past analyses of crime themes in film (Lenz, 2005). This retributivist framework or model of justice, is presented across the trilogy through: (a) the construction of crime as an 'invading social evil' and criminals (Joker, Bane, Scarecrow, Ra's al Gul) 'predatory others'; (b) the contrast of predatory criminals with idealized, affluent middle-class victims; and (c) the construction of violence by the hero-vigilante as a means to punish the criminal-predator.

The major narrative approach observed primarily among 'revenge and vigilante' Batman films is the construction of crime as an 'invading social evil' committed by 'deviant predatory outsiders.' The vigilante, Bruce Wayne aka Batman, is a successful, law-abiding professional and an honest, hardworking wealthy citizen. The crime that triggers the transformation of the law-abiding protagonist into the vigilante crusader is typically constructed as an invasion of the domestic sphere by predatory criminals (Welsh, Fleming & Dowler, 2011 p.465). Crime is a social problem: challenging and reframing audience perceptions of justice Although restorative justice is not explicitly depicted or mentioned, it is implied through Bruce Wayne's responses to crime in manners consistent with principles of restorative justice. The final theme identified in the trilogy analyses, 'crime as a social problem,' is portrayed through the: (a) construction of crime as an event originating in a community context where relationships among interconnected individuals are damaged and (b) construction of crime as a harm that requires the healing of relationships as opposed to punishment.

The second feature is social inequality and the limitations of retribution. A second major theme that emerges across the trilogy is a'David and Goliath' narrative illustrating the social inequality inherent in the system for many victims of crime and injustice. Batman series, while not explicitly addressing restorative justice, reflect some of the major criticisms of the traditional adversarial justice system that have been raised in the restorative paradigm. In the last episode Dark Knight Rises, Bane is depicted as a savior of the poor and underdog and ready to take vengence on the rapacious rich people.

The third feature in Batman Trilogy is the consistent establishing shots setting the scene in the house of law. The initial shot in the last movie of the trilogy, we witness Jim Gordon stating "I knew Harvey Dent. I was his friend. And it will be a very long time before someone... inspires us the way he did. I believed in Harvey Dent." The viewer is led as if by the hand through the halls or the pillar or monuments or engravings outside the house to witness the strength of the building, and endurance of the justice by seeing how Batman overcomes his opponent especially the Joker and Bane. The triumphant tone always comes with the destruction of the enemy Raz al Ghul, The Joker, Bane and Miranda.

The fourth striking feature is the city Gotham that functions as a character in the trilogy. The city, initially a delightful *intérieur* for the flâneur, a spectacle of excitement and intoxication, is depicted here as a crime scene. Benjamin argues that the literary genre of the detective story snoops into the "dark side" of the metropolis, transforming it into a place of danger, fear, and angst. Even to the flâneur, the "urban native," supposedly perfectly at ease in the metropolitan environment, "the city has become strange" "and every bed 'hazardous'"(1999, p.72). The literary-ideological trope for the city thus becomes the jungle, for, like the jungle, the primeval forest, and the wilderness, the modern city is a site of danger and adventures, its citizen either hunter or victim. Picturing the city as wilderness is a way to escape the fundamental boredom and repetitiveness of capitalist modernity, to evade the claustrophobic limits of a highly regulated society. Crime-as-adventure thus provides a fictitious escape route: Batman trilogy transforms the city into a place of unnameable dangers, menacing shadows, and evil lurking in every door, that is, an exciting place. The following table , however, shows that viewers are led into thinking of the illusory nature of the violence in the city rather than the real nature.

Table I Comparison of TV and Real Life Crimes

Frequency Ranking of TV Crimes from 1970	Murder	Assault	Robbery	Auto Theft	Burglary	Larceny
Frequency Ranking of FBI Index Crimes from 1970	Burglary	Larceny	Auto Theft	Robbery	Assault	Rape

Television crimes are grouped into categories comparable to the FBI data. For a detailed description of the offenses in each category see Federal Bureau of

Investigation, FBI Uniform Crime Report, U.S. Government Printing Office, 1971. (Dominick, 1973, p.246)

The underlying message of Batman hunting down the criminals and exterminating the major leaders seems to be one of reassurance to society; all is in order. If the law is broken, not law enforcement officers but a super hero vigilante will track down and capture the offending individual and protect society from his further transgressions, which yields the fifth feature of the trilogy. All the criminals and villains are depersonalized types such as the scarecrow, the Joker, and Bane.

According to Rafter (2006, p. 76), 'movies communicate other meanings that are best defined as ideological because they contribute to our taken-for-granted beliefs about the courses of crime'. Past literature has suggested that film constructions of crime and justice present a narrow range of images that emphasize predatory violent crime and retribution (Surette, 2007). Indeed, many films including the Batman trilogy reproduce populist notions of retributive justice wherein idealized protagonists confront violent psychotic super-male criminals. However, our review also suggests that there is a dynamic interplay between the constructions of crime and the narratives of justice found in film. Across several films, severe and strong punishment and retribution are constructed as responses to crime paving the way for the society to emphasize restorative principles such as confrontation and healing. In these series, narratives of crime and criminality are often morally ambiguous, a direct contrast to the 'good defeats bad' narrative (Schmitt & Maes, 2006). The role of such vigilante movies in understanding crime and justice issues cannot be underestimated. Far from an objective lens of events, the Batman trilogy are platforms wherein the social reality is not only reflected but to some extent negotiated and developed (Ferrell, 1999; Phillips & Strobl, 2006).

REFERENCES

ALTHEIDE, D.L. (1987). Ethnographic content analysis. *Qualitative Sociology*, 10, 65–77.

ALTHEIDE, D.L. (1996). *Qualitative media analysis.* Thousand Oaks, CA: Sage.

ALTHEIDE, D.L. (2002). *Creating fear: News and the construction of crisis.* New York, NY: Aldine de Gruyter.

ANDERSON, C, BERKOWİTZ, L, DONNERSTEIN, E., HUESMANN, L. R. JOHNSON,J.D., LINZ,D., MALAMUT,N.M.,& WARTELLA,E. (2003) The Influence of Media Violence on Youth, *Psychological Science in the Public Interest,* 4 (2003), 81–110.

ANDERSON, C. A., & BUSHMAN,B.J. (2001) Effects of Violent Video Games on Aggressive Behavior, Aggressive Cognition, Aggressive Affect, Physiological Arousal, and Prosocial Behavior: A Meta-analytic Review of the Scientific Literature, *Psychological Science*, 12 , 353–359.

APPEL, M. (2008). Fictional narratives cultivate just-world beliefs. *Journal of Communication*,58, 62–83.

APPEL, M., & RICHTER, T. *(2007).* Persuasive effects of fictional narratives increase over time. *Media Psychology*, 10, 113–134.

BEARD, A (2011) From Hero to Villain: The Corresponding Evolutions of Model Ethical Codes and the Portrayal of Lawyers in Film, *NY Law School Law Review*, 55, 961-980

BENJAMIN, W. (1999) *Selected Writings II 1927-1934*. Trans. Rodney Livingstone et al. Eds. Michael W. Jennings, Howard Eiland, and Gary Smith. Cambridge, MA: HUP.

BUSCHMAN, B J., (1995) Moderating Role of Trait Aggressiveness in the Effects of Violent Media on Aggression, *Journal of Personality and Social Psychology*, 69 , 950–960.

COYNE, S.M., & ARCHER, J. (2004). Indirect aggression in the media: A content analysis of British television programs. *Aggressive Behavior*, 30, 254–271.

DAHL, G & DELLA VIGNA, S (2009) Does movie violence increase violent crime? *The Quarterly Journal of Economics*, 677-734

DOMINICK, J (1973) Crime and Law Enforcement on Prime-Time Television, *The Public Opinion Quarterly*, 37, 2 , 241-250

FINGEROTH, D. (2004). *Superman on the couch: What superheroes tell us about ourselves and our society.* New York, NY: Continuum.

FERRELL, J. (1999). Cultural criminology. *Annual Review of Sociology*, 25, 395–418.

GERBNER, G., & GROSS, L. (1976). Living with television: The violence profile. *Journal of Communication*, 2, 173–199.

GERBNER, G., GROSS, L., SIGNORIELLI, N., MORGAN, M., & JACKSON-BEECK, M (1979). The demonstration of power: Violence profile no. 10. *Journal of Communication*, 29, 177–196.

GERBNER, G., GROSS, L., MORGAN, M., SIGNORIELLI, N., & SHANAHAN, J. (2002). Growing up with television: Cultivation processes. In J. Bryanat & D. Zillmann (Eds.), *Media effects:Advances in theory and research* (pp. 43–67). Mahwah, NJ: Erlbaum.

GRBICH, C. (2007). *Qualitative data analysis: An introduction.* Thousand Oaks, CA: Sage.

HOLBERT, R.L., SHAH, D.V., & KWAK, N. (2004). Fear, authority, and justice: Crime-related TV viewing and endorsements of capital punishment and gun ownership. *Journalism &Mass Communication Quarterly*, 81, 343–363

JOHNSON, J G., COHEN, P, SMAİLES, E., KASEN,S. & BROOK,J.S. (2002) Television Viewing and Aggressive Behavior during Adolescence and Adulthood, *Science,* 295 , 2468–2471.

KAPPELER, V.E., & POTTER, G.W. (2005). *The mythology of crime and criminal justice.* Long Grove, IL: Waveland

LENZ, T.O. (2005). Conservatism in American crime films. *Journal of Criminal Justice and Popular Culture*, 12, 116–134.

LERNER, M.J. (1980). *The belief in a just world: A fundamental delusion*. New York: Plenum

LOVELL, J. (2002). Nostalgia, comic books, and the 'war against crime!'. *Journal of Popular Culture*, 36, 335–351.

NUSSBAUM, M (2013) *Political emotions*.Cambridge: HUP

PHILLIPS, N.D., & STROBL, S. (2006). Cultural criminology and kryptonite: Apocalyptic and retributive constructions of crime and justice in comic books. *Crime, Media, Culture*, 2, 304–331.

RACHELS, J. (2007). *The elements of moral philosophy* . Toronto, ON: McGraw-Hill.

RAFTER, N. (2006). *Shots in the mirror: Crime films and society.* NY:OUP.

RANEY, A. (2005). Punishing media criminal and moral judgment: The impact on enjoyment. *Media Psychology*, 7, 145–163.

RANEY, A.A., & BRYANT, J. (2002). Moral judgment and crime drama: An integrated theory of enjoyment. *Journal of Communication,* 52, 402–415

ROTHE, D.L., & ROSS, J.L. (2007). Lights, camera, state crime. *Journal of Criminal Justice and Popular Culture,* 14, 330–343.

SALZANIC. (2007) The City as Crime Scene: Walter Benjamin and the traces of the detective, *New German Critique* 100, 34, 1,165-187

SCHIAPPA, E., GREGG, P.B., & HEWES, D.E. (2006). Can one TV show make a difference?Will & Grace and the parasocial contact hypothesis. *Journal of Homosexuality*, 51, 15–37.

SCHMITT, M., & MAES, J. (2006). Equity and justice. In J. Bryant & P. Vorderer (Eds.), *Psychology of entertainment* (pp. 273–289). Mahwah, NJ: Erlbaum

SURETTE, R. (1995). Predator criminals as media icons. In G. Barak (Ed.), *Media, process, and the social construction of crime: Studies in newsmaking criminology* (pp. 131–158). New York, NY: Garland.

SURETTE, R. (1998). Some unpopular thoughts about popular culture. In F. Bailey & D. Hale (Eds.), *Popular culture, crime, and justice* (pp. xiv–xxiv). Belmont, CA: Wadsworth.

SURETTE, R. (2007). *Media, crime, and criminal justice. Images and realities*. Belmont,CA: Thomson-Wadsworth

VIDMAR, N., & MILLER, D.T. (1980). Social psychological processes underlying attitudes toward legal punishment. *Law and Society Review,* 14, 565–602.

WELSH,A. FLEMING,T & DOWLER, K. (2011) Constructing crime and justice on film: meaning and message in cinema, *Contemporary Justice Review* 14, 4, 457–476.