Documentaries of miscarriage of justice: Serial, The Jinx and Making a Murderer

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Abstract

This research is on Netflix's Making a Murderer, by Laura Ricciardi and Moira Demos, a 10 episode documentary series, released on December 2015, and The Thin Blue Line, documentary film by Errol Morris, from 1988. The main interest is to study the relation between documentary and a situation of the world, the court of law and the justice system. The analysis is focused on the dynamics of the subjects involved in the process: the filmmaker, the defendant and the viewer.

Key words: Documentary Film, Film Theory, Film History.

Introduction

The research is focused on Making a Murderer (TV series, Laura Ricciardi and Moira Demos, 2015) and The Thin Blue Line (feature film, Errol Morris, 1988), two documentaries that are part of a group that I call “documentaries of miscarriage of justice” (appropriating myself from Michal Renov’s expression in referring to films like The Thin Blue Line, “films about miscarriage of justice”, during an interview given to Current TV). Are part of this group documentaries like Serial (podcast, Sarah Koenig, 2014), The Jinx (miniseries, Andrew Jarecki, 2015) and The Staircase (series, Jean-Xavier de Lestrade, 2004) that address criminal cases questioning the conviction or acquittal of the defendant, pointing to a possible miscarriage of justice. There is a direct and concrete influence in both addressed cases (so as in The Jinx and Serial): one of the characters from Making a Murderer, convicted to life in prison, had his conviction overturned, and the central character of The Thin Blue Line was exonerated after spending 11 years on the death row.

This influence exerted by the documentaries on the “real” circumstance of the justice system, the depicted situation of the world, is against the common places of contemporary Film Theory. The general rule is the deconstruction of the objectivity of the moving image, which is under suspicion¹. We seek to comprehend the relation between the subjects involved in the documentary. For that matter, we’ll be using authors such as Bill Nichols², Brian Winston³, Guy Gauthier⁴ Fernão Ramos⁵ and Michael Renov⁶ to compose the theoretical framework for a comparative analysis of Making a Murderer and The Thin Blue Line.

Results and Discussion

Making a Murderer’s narrative structure ressembles the police drama genre, with the use of cliffhanger, mystery, suspense, and plot twists. The Thin Blue Line it’s structured as an investigation, hearing to the depositions and analyzing the case files until the big revelation at the end. The filmmaker was able to argue Randal Adams’ innocence inside the film, through a David Harris’ confession.

Either Making a Murderer or The Thin Blue Line attack an established regime of truth, they are questioning the mechanism by which society provides justice. To make an assertion like that, the documentarists has to choose an adequate filmic process, to ratify their argument, and to really affect the defendant's life. They both utilize the same techniques used by lawyers and prosecutors, presenting a kind of second trial. However, Errol Morris raise a new investigation by himself, and builds a case with his film, even without adopting a tradicionally regarded as authentic style (cinéma vérité style), and makes use of participation and reflexivity to defend his point of view. In the absence of images, he rebuilds the crime scene for studying, with the reenactions. Laura Ricciardi e Moira Demos follow the case in retreat, reproducing the argument of the defense lawyers, presenting it in a compelling way for the viewer (dramatic techniques). Unlike Morris, they deal with the abundance of images, everything is documented, and there is plenty audiovisual evidence to be analyzed.

Conclusions

The documentaries revolve around the idea that truth is hard, but not impossible to achieve⁷. The use of documentary as an assertive medium shows that despite not being transparent in its adherence to reality, it’s capable of arguing in favor of a cause and affecting the life of his subjects, beyond the film.

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² Nichols, B. Introdução ao documentário, Nova Edição; Papirus: Campinas, SP, 2016.
⁴ Gauthier, G. O documentário: um outro cinema; Papirus: Campinas, SP, 2011.
⁵ Ramos, F. P. Mas afinal...o que e mesmo documentário?; SENAC: São Paulo, SP, 2008.