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“The Intersection of Documentary Film and Public Discourse: A Case Study of Making a Murderer and O.J.: Made in America”

Duji Renqing

School of Arts, English and Languages, Queen’s University Belfast, Belfast BT7 1NN

Abstract: This paper explores the impact of documentaries, particularly “*Making a Murderer*” and “*O.J.: Made in America*,” on public perception of the U.S. justice system and their role in stimulating discussions on legal reform. By employing the Spiral of Silence theory, the study examines how these documentaries shape public discourse by reinforcing or suppressing different judicial viewpoints, thus influencing public opinion and potential policy changes. Through case studies of Steven Avery and O.J. Simpson, the documentaries highlight systemic flaws, media biases, and the complex interplay between race, celebrity, and justice. The paper also discusses the limitations of the Spiral of Silence theory in the modern media landscape, where social media offers platforms for minority opinions, challenging traditional media’s dominance in shaping public opinion.

Keywords: Documentaries; Media bias; Public opinion; Social media influence

Introduction

As two major categories of film productions, documentaries and feature films pursue different creative goals and presentation forms. Documentaries strive for a depiction of “truth” close to reality, using documentary techniques to reveal the essence of events and their deep social significance; in contrast, feature films are based on fictional plots, using artistic processing and creative expression to convey the director and screenwriter’s views and emotions. The launch of Court TV in the United States on July 1, 1991, provided a dedicated platform for American crime documentaries, marking a new starting point in the field and fostering its market development and stabilisation.

“*Making a Murderer*” meticulously analyses the controversial case of Steven Avery, a resident of Wisconsin. Avery, wrongfully convicted of a sexual assault based on DNA evidence, was released after 18 years in prison. However, he was soon charged with murder under suspicious circumstances. The series deeply examines the US justice system, revealing its systemic flaws and deep-seated biases, challenging traditional views on judicial fairness.

“*O.J.: Made in America*” focuses on the life of O.J. Simpson and his trial for alleged murder, set against the backdrop of racial tensions in America. Through a complex narrative structure, the film skillfully integrates Simpson’s celebrity influence, racial issues, and the media’s role in shaping public legal perceptions. This narrative approach not only challenges viewers’ trust in the judicial system but also has a profound impact on public opinion.

This article analyses “*Making a Murderer*” and “*O.J.: Made in America*” arguing that these documentaries shift public perceptions of the justice system and stimulate discussions on legal reforms. Utilising the spiral of silence theory, this study will explore how these documentaries shape public discourse by reinforcing or suppressing different judicial viewpoints, impacting public opinion and potential policy changes.

1. The Making a Murderer Case Study

Since its debut on Netflix in 2015, the American documentary “*Making a Murderer*” has offered a profound critique of the US justice system through the story of Steven Avery. The series highlights various judicial errors, including mishandling of evidence, law enforcement biases, and Avery’s wrongful conviction, followed by subsequent murder charges.

Initially, the documentary reveals severe issues in the handling of evidence in Avery’s first wrongful conviction case. In 1985, Avery was accused of rape, but later DNA testing proved his innocence, a point that is elaborately demonstrated in the documentary. This incident exposed failures in evidence management, particularly the improper handling of biological evidence.

The documentary further points out issues of bias in law enforcement. Shortly after Avery’s release in 2003, he was arrested again in connection with the murder of Teresa Halbach, illustrating the ongoing bias against him by the police. Additionally, the series delves into the

interrogation of Brendan Dassey, a teenager with below-average intelligence. His questioning involved precise manipulation and coercion, raising doubts about the authenticity of his confession and the adherence to legal principles, especially in cases involving minors and individuals with intellectual disabilities.

The documentary underscores the critical role of the media in shaping public opinion. "The media have the power to set the agenda for what issues the public considers important" (McCombs 2002). It thoroughly details how the media spread the notion of Avery's guilt, which likely suppressed the voices of dissenters unwilling to confront mainstream perspectives. "The media serve to severely limit the scope of permissible discourse, often marginalising dissent and alternative perspectives" (Boykoff 2007). The film points out that Avery had multiple legal infractions, including theft and animal cruelty. "Public opinion is significantly influenced by an individual's criminal record, shaping perceptions even before any judicial process" (Roberts 1996). His criminal past likely deepened public and judicial suspicion when he was accused of murdering Teresa Halbach, making his suspect status seem more plausible. "Media coverage of legal proceedings not only informs public views but can also affect the outcomes of trials by influencing jury perceptions." (Robbennolt and Studebaker 2003).

Teresa Halbach came from a respected family, and her disappearance and murder garnered extensive attention. This situation increased the pressure on law enforcement and judicial departments to resolve the case swiftly, mainly as public opinion had already formed unfavourably against Avery. The documentary suggests that this pressure might have prompted law enforcement agencies to adopt improper methods in their investigation, such as planting evidence or inducing testimonies.

In Avery's case, there was a widespread community presumption of his guilt. This broad social consensus may have caused those with differing opinions to choose silence, fearing social ostracism or other negative repercussions. Local legal experts and community leaders tended to support the judicial decisions, which influenced the prevalent views within the community. Therefore, even though there was evidence and viewpoints supporting Avery's innocence, these voices may have been suppressed due to fears of isolation. People may conceal their accurate opinions out of fear of social backlash, leading to a biased public opinion that marginalises the voices that consider Avery innocent. This bias could affect the public's perception of the case and the fairness of its handling.

2. The O.J.: Made in America Case Study

Directed by Ezra Edelman, "*O.J.: Made in America*" won the Academy Award for Best Documentary Feature in 2017. The documentary comprehensively examines the O.J. Simpson case and its complexities related to race, celebrity, and media. It not only presents the facts of the case but also analyzes its broader social impacts, utilizing a complex narrative structure that tightly links Simpson's biography with the murder case.

The documentary initially revisits O.J. Simpson's transformation from an American football star to a defendant accused of murder. Simpson displayed remarkable athletic talent, achieving a prominent social status. Early interviews and commercial segments show his attempt to present himself as a "racially neutral" figure, striving to become a symbol of American success transcending racial boundaries, thereby earning widespread cross-racial recognition.

Although Simpson sought to avoid the spotlight on racial issues, his life and career were significantly influenced by the state of racial relations in America. The documentary extensively portrays the racial tensions in late 20th-century Los Angeles, particularly conflicts between the LAPD and the African American community. This backdrop coloured Simpson's defence strategy and public opinion, further revealing biases and overall issues of fairness within the judicial system.

"*O.J.: Made in America*" features LAPD officer Mark Fuhrman's racist remarks and behaviours, reflecting both his personal biases and those more widely present within the LAPD. Fuhrman had openly used racially discriminatory language and admitted to harbouring biases against African Americans. Moreover, in court, African American witnesses faced rigorous cross-examination, often being interrupted and led into making contradictory statements. This strategy, particularly aimed at African American witnesses, was designed to expose police bias while the prosecution sought to question the reliability of the witnesses. Questions involving racial issues, such as trust in the LAPD and experiences of racial discrimination, likely exacerbated the witnesses' dilemmas.

In "*O.J.: Made in America*," the challenges and complexities of the judicial system, especially regarding evidence presentation, are thoroughly explored. Prosecutors had to decide which evidence, such as bloodstains, DNA analyses, and the murder weapon, should be introduced in court. Simpson was accused of murdering his ex-wife Nicole and her friend Ronald, with numerous bloodstains found, including at his home's entrance and inside his car. The defence team suggested that the police might have planted evidence and demanded EDTA testing on the bloodstains to determine if they were artificially added. EDTA is an anticoagulant used in blood samples in test tubes. This evidence and discussion sparked attention in court and among the public, highlighting the critical role of scientific evidence in major criminal cases.

This case received global attention during the 24-hour news cycle and the peak of media coverage. The extensive media reporting and public scrutiny created a potent atmosphere of public opinion. Fearing opposition to mainstream views, those with differing opinions may choose to remain silent. The documentary emphasises that race is a sensitive and controversial issue in the case, especially in the racially tense region of Los Angeles. "Role of gender in highly publicised instances of violent crime affected when considerations of class, race and ethnicity" (Chancer 1994). African Americans who support or criticise the police may find it difficult to express their views due to social pressure publicly, and jurors may also be reluctant to express their true thoughts under high-pressure circumstances, especially when they contradict mainstream opinions.

3. Discussion

Elizabeth Noelle-Neumann proposed the Spiral of Silence theory in 1974, which explores the psychological mechanisms by which individuals choose to speak out or remain silent in public opinion due to the fear of isolation. The theory suggests that when individuals perceive their opinions to be contrary to the mainstream, they may choose to remain silent due to the fear of social isolation. This explains why non-mainstream opinions gradually diminish while mainstream views are strengthened and widely disseminated.

In "*O.J.: Made in America*," Simpson's celebrity status and the sensitivity of racial issues allowed the media to create a sympathetic atmosphere favourable to Simpson by emphasising racial injustice and judicial bias. The media's dramatisation not only heightened public emotional engagement but also deepened doubts about judicial fairness. "Journalists dramatise grievances to mobilise public sentiment in a way that impacts the process of achieving justice" (Erickson 1991). Furthermore, continuous media coverage also forms a kind of "media trial," where, in some cases, public preconceptions may not align with court verdicts. In contrast, "*Making a Murderer*" portrays Steven Avery as potentially framed by local law enforcement. The documentary exposes evidence manipulation and unfair trials, challenging the initial mainstream media bias towards Avery's guilt, raising public awareness of judicial errors, and inspiring potentially silent supporters to speak out. "News coverage of crime can affect public opinion and may influence the outcome of criminal trials, showing a prejudicial impact on potential jurors' attitudes" (Bakhshay and Haney, 2018).

Firstly, the media's emotional reporting on the violent details of the case and the plight of the victims sparked public emotional responses, thus intensifying negative perceptions of the accused. "In which certain public emotions may contribute to law- and policy-making processes, especially for the perceived legitimacy of law and policymakers by the public" (Persak 2019). In the Avery case, the media's selective reporting primarily highlighted evidence supporting the prosecution while ignoring the defence's evidence, leading the public to understand the case from one perspective only possibly. In "*O.J.: Made in America*," media bias towards Simpson may have silenced those with opposing views due to fear of conflicting with mainstream opinions.

Secondly, sustained media attention has formed a generally accepted interpretation of the case in society, further influencing the jury's viewpoint. In the Avery case, extensive coverage likely led the jury to form prejudiced opinions, forcing the legal team to adjust their strategies. "The media can unduly influence the defences, motions, and other legal strategies by altering how legal defences will come across in the media" (Hantler, Schwartz, and Goldberg 2004). The defence team must consider how to defend Avery in an unfavourable public opinion environment shaped by the media, strive to correct media misinformation in court, and attempt to mitigate its impact on the jury. This demonstrates the complexity that both defence and prosecution must handle in public trials, including managing public perception and the narrative constructed by the media. This situation not only affects the fairness of the trial but also forces both sides of the court to adjust strategies to meet the expectations of the public and media.

The Spiral of Silence theory reveals how the media shapes the social atmosphere to influence individual expression or silence, yet it has limitations in reality. With the proliferation of social media and online platforms, these platforms provide a space for minority opinions, reducing the unilateral impact of traditional media on public opinion. Both documentaries illustrate how cultural and social backgrounds affect the theory's applicability: in "*O.J.: Made in America*," Simpson's racial background and its importance to public reactions, while "*Making a Murderer*" highlights how local culture influences public opinion and judicial decisions.

Although the Spiral of Silence theory primarily considers the impact of traditional media, the rise of social media has significantly changed the formation of public opinion. "Twitter can help us to understand the opinion formation process in online social networks" (Xiong and Liu 2014). Social media provides a space for individuals with minority opinions to express themselves, thereby dramatically changing the dynamics of information flow and opinion formation. For instance, after the release of "*Making a Murderer*," viewers widely shared their views on platforms such as Twitter and Facebook, which deepened public interest in the case and challenged the initial impressions constructed by traditional media. "User-generated content on social media platforms helped to deepen public interest in the case, challenging the preliminary impressions constructed by traditional media" (Kennedy 2018).

4. Conclusion

Through an analysis of the documentaries "*O.J.: Made in America*" and "*Making a Murderer*," this paper highlights the application and significance of the Spiral of Silence theory in explaining the media's influence on the formation of public opinion. These two works reveal how the media, in significant legal and social events, shapes the atmosphere of public opinion, influencing individual expression or silence and further affecting judicial fairness.

Firstly, the study notes the dual role of media coverage. In "*O.J.: Made in America*," by emphasising racial issues and celebrity effects, the media shaped public perceptions of Simpson, suppressing critical voices because opposing views could be perceived as racially insensitive. In contrast, "*Making a Murderer*," with its revelations of judicial injustice and media bias, stirred public criticism and sympathy for the Avery case, prompting some who might have remained silent to speak out.

Secondly, the paper explores the limitations of the Spiral of Silence theory in the modern media environment. Although traditional media still holds influence, the rise of social media and digital platforms has provided the public with more channels to express individual opinions, creating space for minority voices and thereby reducing the social isolation pressure described by the Spiral of Silence theory.

Finally, this study emphasises the need for further research on the Spiral of Silence theory, particularly its applicability in different cultural and political contexts. The diverse social and cultural backgrounds may lead to starkly different perceptions and reactions to social isolation, requiring future scholars to consider a broader and more specific set of social factors when applying the theory.

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