THE BLACK AND WHITE OF THE AMERICAN PRISON SYSTEM

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ABSTRACT

The purpose of this thesis is to examine what facts the documentary 13th presents and how they are portrayed filmically. By conducting, both, a discourse analysis and a neoformalist film analysis those two factors can be fully examined. And by later adding the three theoretical perspectives of discourse analysis, hegemony, and neoformalist film theory, the results of the analyses can be discussed in a way that covers both the narrative part of the film and the aesthetic and stylistic ones.

The result is that the discourse of the documentary concerns the American prison system and the resistance to it is the acknowledgement of the blatant racism within it. And this racism is what the leadership of the hegemonic dominance of that discourse is built upon.

13th consists of interviews and voiceovers which present the facts. These are accompanied by video clips, graphics, and animations, and music, which are all in black and white, in order to strengthen the message of those facts. These elements of the film work together to convey a collective theme and emotion to the viewer.

KEYWORDS

13th, discourse analysis, hegemony, neoformalist film theory, neoformalist film analysis, resistance to discourse, documentary, American prison system, mass incarceration, racism
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1. INTRODUCTION

This thesis will research how the subject of mass incarceration in the United States and the racism that is so deeply interwoven in it is represented in the documentary film 13th. The documentary offers an in-depth look into the prison system of the US, and also reveals the nation’s history of inequality. Specifically, the aspect of racism. The documentary was released on October 7th 2016 on Netflix and is directed by Ava DuVernay. DuVernay is an American director who has directed the film Selma (2014), which was nominated for Best Motion Picture of the Year at the 2015 Academy Awards. A film for which she also was nominated for as Best Director at the 2015 Golden Globes (Internet Movie Database, 2017).

13th discusses the American prison system through interviews with well-versed intellectuals within this field of knowledge who present facts about this system of oppression. It also presents facts through graphics and animation, old video clips from various media coverages, and newspaper articles.

This subject matter is very current and relevant because it is widely discussed in today’s society. Especially, instances of police brutality that has occurred in the United States that have given birth to movements like the Black Lives Matter movement. Which has helped shed a light on the system of mass incarceration and the vast racial injustice operating within this prison system. It has been the subject of news and discussed topics during the presidential election.

By combining this important subject matter and the film medium, which has become more and more popular and accessible, makes this subject even more relevant to study. An analysis of this documentary will be made in order to examine what facts it presents, and how it presents them. What measures does this documentary take for the sake of delivering its message?

This will be studied through a discourse analysis and a neoformalist film analysis in pursuance of examining what the discourse and the resistance of the film is. And also which parts of the documentary interact with each other to convey certain emotions and themes. The facts of the documentary will be researched together with how the different parts of the film work together. Such as camera angles, editing, animation, and music. The combination of these methods will provide a more comprehensive understanding of how the facts are portrayed in the documentary and what weight of importance they enforce.
This field of research where the discourse analysis and neoformalist film analysis are combined, is a very narrow one. And one that is not very well explored. Especially now when it is coupled together with the subject matter of the American prison system and the racism related to it. Therefore, this thesis can contribute with something that is new to this field of study.

1.1 BACKGROUND

The population in jail or prison in 1972 in the US was less than 200,000 but has today increased to about 2.2 million, which leads to there being around 7 million Americans being either incarcerated, on probation, or on parole. This increase has led to an unprecedented overcrowding in those types of facilities, which put an immense strain on the budget of various states. What is further peculiar, is that the United States consists of 5% of the world’s population, but holds almost 25% of its prisoners (Equal Justice Initiative, 2016).

This leads to the United States having the highest incarceration rate globally. Simultaneously, the national crime rates are at almost their lowest in 50 years (Gottschalk 2015, p. 44-45). And around the beginning of the new millennium the issue of mass incarceration was very much invisible. Since then there has been widespread criticism surrounding the extraordinary rate of incarceration of Americans, and the last four decades have been filled with prison buildups that today have very few devoted defenders. Still, the number of reforms to reduce the population of jails and prisons are very modest.

This carceral state does not only affect the prisoners within their facilities but also beyond the gates of the prisons. This, through penal punishments which separates families and communities and also thoroughly alters the conception of right, democracy, and citizenship. And therefore poses a great challenge both politically and socially.

During the past decade the opposition to mass incarceration has grown. That opposition focuses on the racial aspect, and the search of a path that leads out of mass incarceration by downplaying its stark racial causes and consequences. There is also a push to alter the conversation of the public about these social problems by avoiding all discussions of controversial issues. Like, the historical legacy of racism (Gottschalk 2015, p. 31-32).
In order to stop this mass incarceration, it requires more than just the stopping of current practices. There needs to be programs that provide discipline and structure that guides the prisoners’ reintegration into society, both, prior to and after they have been released. This requires a major investment that will be, both, expensive and politically challenging (Lobuglio & Morrison Piehl 2015, p. 61).

In order to annihilate the carceral state the challenge is not only to introduce reforms for sentencing and so forth, in order to decrease the number of individuals in prison but to create a receptive political environment for new reforms. Also, to make the consequences of the carceral state a leading issue within political and public policy issues (Gottschalk 2015, p. 44).

1.2 AIM

The aim of this thesis is to examine what facts and arguments of 13th are and how they are being presented or portrayed in the documentary. This will be examined by analyzing said documentary. What facts are being presented? How are these facts being presented? These two questions will be the center of the thesis. The discourse analysis will be used when analyzing what facts are being presented in the documentary, while the neoformalist film analysis will be used in order to analyze how the facts are being presented in the film.

By answering the previous questions mentioned, I will be able to discuss what the truth of and resistance to discourse and power of the documentary can be. And also what aesthetic and stylistic patterns are in use. Patterns related to editing, camera angles, or music for example. Hence, how these patterns affect the message that is being conveyed.

The result of those questions will later be discussed with the help of three theoretical perspectives. Namely, the perspectives of discourse analysis, hegemony, and the neoformalist film theory. Through the discourse analysis and the theory of hegemony the discourse of the documentary will be apparent, and also what the hegemonic dominance of the discourse is and how it can be changed. This, in order to understand what the resistance to discourse is and how the facts presented in the film are relevant for it.

The neoformalist film theory will be used to interpret how facts in the documentary are being portrayed. And also, how the different aesthetic and stylistic parts of the film collaborate in order to express certain emotions and themes to the viewer.
1.3 DELIMITATION

This thesis will be delimited by laying all focus only on one documentary and the analysis of it. The reason for only analyzing one documentary is in order to be able to conduct an analysis that is well-rounded and still fit into the time limit given for this thesis. Another reason for choosing to only include 13th is, not only because of the subject matter it tackles but, because of the many elements it uses for portraying its story and the facts within it. Which gives it a depth that is worth examining.

The documentary will be analyzed based on the facts and story that is has. But also on its mise-en-scène, those being interviewed, what music or graphic design or images, and animation that are being used to convey these facts filmically. And what kind of meaning these parts of the film may have, both individually and collectively.

2. PREVIOUS RESEARCH

When it comes to previous research these following studies about documentaries and their filmic representation and truth are relevant to mention. A documentary represents the world as it simultaneously argues about the historical aspect of it (Nichols 1991, p. 111). In a documentary, material evidence is used to form an argument or a story that is in accordance to a logic that is being proposed by the text of the documentary. An argument is what a viewer makes of the representation of evidence of the documentary. And this argument, or story, is a representation of evidence before others in order to present a certain viewpoint (Nichols 1991, p. 125).

Facts become evidence by being presented in a discourse. Through that the discourse achieves a higher level of believability as a result of how well it can direct that evidence to a domain outside the discourse itself (Nichols 2016, p. 99).

The ability of the photographic image to convince the viewer to believe that what is being represented in the documentary exists beyond its filmic representation, is related to the understanding of the documentary. Therefore, the truth of the documentary is situated in the comprehension of it. Which can be linked to the way humans organize the world through their perception of it. That means that elaborate narratives are created from what we see in
combination of what we believe in. Consequently, the main goal of a documentary’s search for truth goes hand in hand with its attempt to instill the experience of the documentary’s story within the viewer (Dally 2015, p. 104-106).

A documentary could be considered as an extended treatment of a certain subject in a film where the filmmaker signals their intention by encouraging the viewer to do two things. The first being to take on an attitude of belief towards the content of the documentary. And second, to take images and sounds presented in the film as dependable sources for the creation of trust in the subject of the documentary (Plantinga 2015, p. 114).

Truth in documentary can be approached in a way that creates meaning out of a filmic text. Therefore, the documentary’s impossibility to present the viewer with reality is handled by the documentary’s capability to allow its audiences to understand what is real within it. Within the interpretation of the documentary lies the truth, which in turn resides in the gaps between intention and interpretation. Hence, the truth is a function of the text which represents it. It depends on the tensions within the text that is being perceived (Jordan, 2003).

3. THEORETICAL PERSPECTIVES

In this chapter three different theories will be presented. Namely, Michel Foucault’s discourse analysis, Antonio Gramsci’s theory of hegemony, and Kristin Thompson’s perspective of the neoformalist film theory.

3.1 DISCOURSE ANALYSIS

Discourse analysis is an interweaved area of both theory and method. Here, I will focus on explaining the theory part of this research area of Michel Foucault, and will dive into how the method part will be used later on in this thesis.

The theory of discourse analysis is a constructionist theory that was suggested by, as already mentioned, Michel Foucault. This theory focuses on cultural understanding and shared meanings that are produced through a network of texts or, in other words, discourse (Helsby 2005, p. 5-6). And discourse is language that is structured in different patterns which our
statements follow within a specific social domain. Discourse analysis is therefore an analysis of patterns which a discourse may inhabit (Winther Jørgensen & Phillips 2000, p. 7).

Foucault sees how a set of statements, within a text for example, create a context which becomes a consistent opinion. In other words, it becomes a discourse. It is this discourse that creates knowledge which is closely associated with power. Statements can therefore only become meaningful within a discourse (Hall 1997, p. 44-45).

Here, the link between power and knowledge is very important. It is argued that if someone holds the knowledge of something and at the same time possesses the power required to express said knowledge, then this knowledge will have the ability to become the truth which others will live by. And if that knowledge changes over time, then the beliefs that occurred because of it will also change and new ideologies to live by will have arisen (Helsby 2005, p. 5-6).

Truth is no longer abiding to what a discourse is or does, but rather abides to what it says. Thus, it can be placed in a field where the utterance of the truth, and the meaning of it and the form which it takes on, becomes important in accordance to the very thing it is referencing. It therefore becomes reinforced by various practices such as books and libraries (Foucault 1981, p. 54-55).

This can be understood as, in order to know and hold knowledge of something we must also have an aspiration to reach a level of truth. And therefore examining and understanding what is being presented as the truth.

A text always exists within a social context and can become authoritarian because it actively forms our view of reality. And when a discourse is analyzed, the expectation is to understand how different constructions are working together. It is very important to examine how these different constructions and parts of a certain discourse are put together and what kind of content of power exist in that specific discourse (Florén & Ågren 2006, p. 124). It is about how the knowledge is created, and Foucault did not essentially examine language but discourse as a system of representation (Hall 1997, p. 44).

According to Foucault, a discourse holds the power over action and thought because of the fact that it directly affects what is being said or written about a specific subject. Hence, it controls how reality is both organized and classified (Florén & Ågren 2006, p. 123). It is
therefore through different processes of truth, knowledge, and power within a discourse that which a person leads their life by.

Discourses are not one and for all subservient to power or raised up against it… We must make allowances for the complex and unstable process whereby a discourse can be both instrument and an effect of power, but also a hindrance, a stumbling point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power, it reinforces is, but also undermines and exposes it, renders is fragile and makes it possible to thwart.

(Foucault 1990, p. 100-101)

Power implies conflict, and conflict implies conflicting interests. Therefore, where there is power there is also resistance. A resistance to power, which means resistance to the prevailing discourse. This resistance does not exist outside of the discourse, but is a part of it.

The resistance to power thusly challenges it and, at the same time, sharpens and corrects the way that power is exercised and how it is shaped (Foucault 2002, p. 105). Which means that discourse can have the position of both power and resistance and be able to evade, subvert, or challenge the strategies of power (Gaventa 2003, p. 3).

Every threat to discourse means that the discourse is being challenged and questioned, which entails that individuals whom are not well-adjusted risk being regarded as threats to the current discourse (Foucault 2003, p. 194). And when a discourse is being challenged by a resistance to discourse or power, then the intermediaries of the prevailing discourse are put to the test and must therefore find new ways to defend their discourse.
3.2 HEGEMONY

The theory of hegemony was founded by Antonio Gramsci. The concept of it is that leadership is built on the consent of those being led. This consent is secured by the dispersion and popularization of the ruling class’ worldview. This then signifies a domination of sorts. Therefore, a person is not ruled only by force, but also by ideas (Bates 1975, p. 351-352).

This can also be applied on the cultural part of society where this kind of domination by a ruling class and their ideas can affect the attitude of the participants of that society. And therefore the rules of which the society sets. This is further explored by Dominic Strinati:

… Pop culture and the mass media are subject to the production, reproduction and transformation of hegemony through the institution of civil society which covers the areas of cultural production and consumption. These institutions include education, the family, the church, the mass media, popular culture, etc.

(Strinati 1995, p. 168-169)

This means that the media, and for example documentaries, are included in the institutions that can affect the transformation of, or even creating new, attitudes and standards of hegemony in a society. And in order to be able to make that kind of contributions to society, Raymond Williams explains that:

The key to ‘revolutionary’ social change in modern societies does not therefore depend, as Marx predicted, on the spontaneous awakening of critical class consciousness but upon prior formation of a new alliances of interests, an alternative hegemony or ‘historical bloc’, which has already developed a cohesive world view of its own.

(Williams 1977, p. 27)
This can in turn be interpreted into an understanding where in order to be able to change something within a society, for example a discourse, there needs to be a contribution of something new in order to be able to make that change.

Therefore, for example, a documentary has to provide something new and relevant in order to be able to affect views and standards which already have been accepted within a society’s hegemony.

### 3.3 NEOFORMALIST FILM THEORY

When it comes to the neoformalist film theory the focus will be on the approach of Kristin Thompson. This, because of her aesthetic approach to the theory where the focus lies on how different aesthetic and stylist parts of a film work together in order to convey certain emotions and themes. Instead of the approach of, for example, David Bordwell where the focus also lies on the historical context of the film.

Neoformalism as an approach does offer a series of broad assumptions about how artworks are constructed and how they operate in cueing audience response… The basic assumptions can be used to construct a method specific to the problems raise by each film.

(Thompson 1988a, p. 6)

And these two following questions are what neoformalism addresses: *How are films specifically constructed? And how do they yield their effects on audiences?* Neoformalism examines the film’s form where every aspect of a film is regarded as a component of the film’s formal structure. This structure is divided into narrative and style.

The narrative is the story of the film where a chain of events occur within a given time frame and space. Whereas the stylistic part refers to the way which the narrative has been filmed. That includes, for example, cinematography, editing, and mise-en-scène (Barratt 2008, p. 530).
Neoformalism asks questions regarding the principles and purposes of the film’s construction (Rushton & Bettinson 2010, p. 133). It is assumed that the form of a film is a result of a filmmaker operating within certain traditions and is pursuing certain effects (Rushton & Bettinson 2010, p. 136-137).

In conclusion, the neoformalist film theory focuses on the different parts of a film and how they interact with each other in order to convey, for example, certain emotions and themes. This makes the theory very modifiable because it can be constructed differently in order to fit each film.

3.4 COMBINATION OF THEORETICAL PERSPECTIVES

By combining these three theoretical perspectives, a broader understanding of the analyses of the chosen documentary will be presented. And by using the perspective of discourse analysis, I will be able to examine how this documentary relates to structures of truth and discourse. This, together with the theory of hegemony, where the hegemonic dominance will be detected and where it is stated that something new needs to be added in order to change a discourse within a society. This will, in turn, build the understanding of what the documentary’s resistance to power, and therefore its resistance in, and to, the prevailing discourse, is.

The neoformalist film theory will be included in order to be able to examine the different aesthetic and stylistic parts of the documentary. Such as music and editing, and how these parts collaborate in order to convey certain emotions and themes. Neoformalism will also be used to see how the film conveys discursive statements.

This combination of theories will therefore complement each other by truly making it possible to discuss what the presented facts really mean, and what effect they may have on the prevailing discourse. Simultaneously, what the dominance of that discourse is and how it affects its participants will be presented. As well as how the different parts of the documentary work together in order to convey all of that.
4. EMPIRICAL MATERIAL

The empirical material consists of an American documentary that focuses on the prison system in the United States, and the racial inequality that is deeply rooted within it. Namely, 13th.

5. METHOD

In order to analyze this documentary there will be two different methods that will be used. Namely, the discourse analysis and the neoformalist film analysis.

5.1 DISCOURSE ANALYSIS

The method of discourse analysis cannot be woven together with whichever theory there is, because it is made as a package deal that consists of both theory and method. However, this package deal can be combined with other perspectives. Which is highly recommended to do in order to get a wider understanding of the subject that is to be analyzed (Winther Jørgensen & Phillips 2000, p. 10). A discourse analysis can be applied on specific texts, for example a book or a film, instead of just bigger political or economical movements for instance (Bryman 2011, p. 474).

Within the method of discourse analysis the main focus is on what qualifies as real and true. Foucault spoke about the truth of a discourse, and how the discursive formations help us learn what the truth is (Börjesson & Palmblad 2007, p. 10-12). According to Börjesson and Palmblad, a discourse can be a text consisting of moving images that exists in reality simultaneously as it is being about reality, and that type of moving images can be a documentary for example (2007, p. 17). And wherever there is discourse, and therefore power, there is also resistance against said discourse and power (Gaventa 2003, p. 3).

Because this documentary is about heavily criticizing a construction within the American society, this course of analysis is the most fitting because it examines the truth and power of a discourse. And also how this truth helps shed light on what kind of resistance there is within that power and discourse. Which perfectly fits this documentary.

By using a discourse analysis on 13th, I will be able to examine the documentary’s resistance to discourse and power by examining its truth through its presented facts. By doing so, I will
be able to understand what the resistance to discourse in the film is, and therefore also what
the discourse and power it is resistant to is.

5.2 NEOFORMALIST FILM ANALYSIS

In this neoformalist film analysis, the focus of examination will lie on how facts are
presented, not only on the general level of media and discourse but also how the facts are
presented filmically, in the documentary 13th. And by borrowing the two questions from
Daniel Barratt: How is this documentary specifically constructed? And how does it yield its
effect? Together with questions regarding what kind of setting these facts are being presented
in. Are specific colors or music being used when certain facts are presented? Who is
presenting them? Are they presented by a voiceover or by someone visible on screen? Do the
facts gain or lose any weight of importance based on how they have been presented?

In order to be able to examine this field of the documentary, I have chosen to use a
neoformalist approach. It is explained in this manner in A short guide to writing about film:

Formalism is a name given to film criticism concerned with matters of
structure and style in a movie, or with how features… (Such as the
narrative or the mise-en-scène) are organized in particular ways in a
movie.

(Corrigan & Corrigan 2014, p. 94)

Neoformalist film analysis is an approach to aesthetic analysis that is able to suit each film by
its ability to be adjusted, and therefore the analysis differs from film to film (Thompson
1988a, p. 5-6). This approach seeks to explain the reality of a film and its relation to the world
around it. The film engages the viewer in a way that affects their way to perceive, feel, and
reason by renewing the mental processes through an aesthetic game (Thompson 1988b, p. 48-
49). The neoformalist film analysis examines every individual part or structure of a film and
how they work together, whether that is a camera angle, an animation, story, or theme, in
order to understand that artwork’s unique qualities (Thompson 1988b, p. 54).
By conducting this sort of film analysis, I will analyze aesthetic and stylistic structures of 13th. Namely, the mise-en-scène, camera angles, editing, music, graphics, and animation. By analyzing these different parts of the documentary, I will be able to see how they work together in order to create patterns regarding the presentation of facts. And by doing so, I will be able to examine how these created patterns can be connected to what emotions and themes this specific documentary emits.

The neoformalist film analysis is the best suited analysis to conduct in this regard, because of the fact that it can be modified to accustom the construction of this particular documentary. And therefore can give a more accurate result of analysis of this individual film. But also because this approach only considers the aesthetics of a film without the involvement of any exterior factors. Which makes it the most applicable approach considering the aim of the thesis being to examine how facts are being presented in 13th.

5.3 COMBINATION OF METHODS

By combining these two methods, I will be able to execute a more complete analysis of the documentary. The discourse analysis will be used when analyzing what facts are presented in 13th, while the neoformalist film analysis will be used to analyze how these facts are being presented.

By conducting this combination of methods, I will be able to examine what the resistance to discourse is of the documentary, and also how that resistance is being conveyed.

5.4 METHODOLOGICAL PROBLEMS

The one methodological problem that comes to mind, is the subjectivity of conducting a film analysis. The aspects of a film which I focus on, even if specific elements of a film are chosen to be the center of attention, may not coincide with someone else who conducts the same type of analysis of the same film.
6. ANALYSIS

In this chapter, I will only present what facts are presented, which will later be used in the discourse analysis in the documentary 13th. And how they are presented, which will be used in the neoformalist film analysis further on. The following chapters will discuss these findings of the analyses through theoretical perspectives.

The presentation and portrayal of the facts and how they are being connected to the two chosen analyses methods and their methodological tools will be presented in the result chapter of the thesis.

6.1 WHAT FACTS AND ARGUMENTS ARE PRESENTED

The analysis of 13th reveals a lot of facts that may not be particularly known by the general public. For example, that the US consists of 5% of the world’s population, but holds 25% of the world’s prisoners. Which gives them the highest rate of incarceration in the world. And 97% of those imprisoned have plea bargained, which means that they have made a deal with the prosecutors where they plead guilty for the crime they have been arrested for, whether they have committed it or not, in order to get a shorter sentence than if they went through a trial.

1 in 17 white males face the likelihood of being imprisoned within their lifetime, while the numbers are 1 in 3 concerning black males. This, when black men make out 6.5% of the US population, but actually make out 40.2% of the US prison population. And when you have been imprisoned and later released, you face 40 000 disadvantages in society. Those disadvantages include the possibilities of employment, difficulty starting your own business or taking student loans, receiving food stamps, and the loss of the right to vote. As of today, 30% of the black male population of Alabama have permanently lost their right to vote due to them having been convicted felons.

The 1915 film The Birth of a Nation by D.W. Griffith was included in the documentary by showing clips from it and also discussing it several times. It was the first blockbuster film, and the black males in it were portrayed as criminals and animalistic, and as a threat to white women which helped to create a mythology of black criminality.
The Klu Klux Klan that was portrayed in *The Birth of a Nation* was reignited as a movement because of its inclusion in the film. This lead to a new wave of terrorism and racism in America where lynching and murder by mobs occurred. And that happened because the film confirmed the story many whites wanted to tell in the aftermath of the American Civil War. Even the, then, President Woodrow Wilson had a private screening of the film in the White House. The film was arguably an accurate prediction of how race would then on operate in the United States. With, for example, the Jim Crow system of segregation where POC were mistreated based on their race.

The economy of the South after the Civil War needed to be rebuilt. And because slavery was an economical system and 4 million people became free who were previously property and an integral part of the economy, the white political elite and the business establishment needed black bodies working in order to rebuild the economy. Therefore there were many blacks who were incarcerated for minor crimes after the Civil War, which was the first prison boom. And these prisoners had to provide labor in order to restore the economy of the South again after the war, also called convict leasing. This connects to the 13\textsuperscript{th} amendment where it says that it is unconstitutional to be treated as a slave unless you are a criminal, which is a loophole in that amendment. Because of this, blacks became refugees of terror from the South to other parts of the US, especially the west and east coast.

This form of open terrorism and racism then turned into legal racism. Namely, the Jim Crow laws of segregation that permanently graded black people as second class citizens. And in the 1960s when the Civil Rights Movement started to gain traction crime was simultaneously increasing simply by a change in demographics. That was because of the baby boom generation and their increased amount of individuals compared to previous generations. And during the 1970s the amount of prisoners started to increase and an era of mass incarceration was starting.

This happened because of the war on crime and drugs. Drug addiction started to be seen as a crime issue instead of a health issue. A new drug called crack cocaine, which was cocaine that could be smoked, was introduced. It was cheaper than regular powder cocaine. This made it very popular because of its inexpensivity and therefore it was connected to the inner cities,
while regular cocaine, which was considerably more expensive, was linked more to suburbs. Which made it more sophisticated.

When it came to prison sentencing, the possession of 28 grams of crack cocaine could be compared to 2,8 kilos of cocaine. And because crack cocaine was more linked to communities of people of color, hereafter POC, they were the ones most affected by the war on drugs. This lead to huge chunks of the POC communities disappearing into prisons for a very long time. Therefore, the war on crime and drugs was also a war on POC communities.

Amidst all this, there were several laws that were passed that contributed to making this matter worse. One of them was the three strikes and you are out law. Which implicates that if you commit three felonies you will be put in prison for life. Then there was mandatory sentencing where judges no longer consider the circumstances of a crime but instead just give out the minimum sentence, which means longer sentences. This takes discretion away from the judges and gives them to the prosecutors instead, whom are mostly white. Another addition to laws was the truth in sentencing, which means that all felons shall serve at least 85% of the sentence.

Many of these laws were supported, or also suggested, by an organization called ALEC, American Legislative Exchange Council. Which has been around for about four decades. It consists of both politicians and corporations as its members. Almost 1 in 4 US legislators are members. And the corporations have a lot of say in the lawmaking.

The Stand Your Ground law, which means that you can act in self-defense if you feel threatened, led to a big boom in gun sales. This profited Walmart, which is a former member of ALEC. And this specific law gained a lot of attention in the case of the murder of Trayvon Martin. A young black man who was killed by the neighborhood watch member George Zimmerman. Zimmerman was told by emergency personnel that he was talking to on the phone not to follow Martin, who was walking around in a hoodie. Despite this, Zimmerman did follow Martin, and then went on to shoot him to death. This lead to Zimmerman not being arrested and then when pleading self-defense in court, because of the Stand Your Ground law, was later released with no charges. And this caused a lot of controversy.
When the 1994 $30 billion crime bill was passed, during Bill Clinton’s presidency, it lead to a massive expansion of the prison system. This caused a privatization of prisons and also a political force that forced people into prison, who would otherwise not end up there. ALEC pushed for policies that increased the number of prisoners and the sentences of the convicted felons already in prison. This profited the ALEC member Corrections Corporation of America, CCA.

States were now required to keep prisons filled even if there were no crimes being committed. And this, along with the increasing of the amount of prisoners and the increase of the sentencing of said prisoners, generated profit in the form of money to the shareholders.

There was also a law called SB1070 which was passed. It is a law that gives police the right to stop anyone who looks like an immigrant and put them in prison like facilities. This can be seen as a “crimmigration” system where instead of a war on drugs and crime, where blacks are mostly affected, another group and community is now being targeted.

And now ALEC, together with the American Bail Coalition, ABC, wants to privatize probation and parole by enforcing GPS monitoring and lock convicted felons up at home in their own communities instead of in prisons.

The partnerships between correctional industries and private business are multibillion industries. Corporations are operating in prisons through free and poor labor provided by prisoners, which helps the member corporations of ALEC to profit even more money. Therefore, the prison system does not want reform because a decrease in prisoners would mean a loss in money.

And many who are in jail cannot get out because they are too poor and cannot afford to pay the bail which is set to high. Therefore, many just get a plea deal and serve the time they are given. But if everyone in jail pushed for trial, then the system would go under. But because of the fear of the mandatory minimums, a trial is an unthinkable alternative for many. Therefore, the prison system is not only there to deprive you of your freedom, but also to punish you.

Black people, and black men in general, are overrepresented as guilty in the media where they are paraded in handcuffs like animals in a cage. They are referred to as ‘super predators’ who
are a generation of people who supposedly has grown up fatherless, Godless, and lawless. The prisoners become their crime. And the black communities bought into that media coverage and policies that criminalized their own children after decades of being educated of just that. Racial caste has therefore not ended, but has simply been redesigned. Fear is therefore a justification to treat POC differently and downgradingly, which has led to mass criminalization and mass incarceration of blacks and other POCs.

The activists that stood up for something and who were able to unite people from various communities, were people who the US were afraid of and whom had to be shot down somehow. Whether that was driving them out of the country, having them put in prison, or having them killed. For example, the Black Panthers were criminalized and their leader, Fred Hampton, was shot dead at only 21 years old because of the influence he had.

Police violence is a brutal system that authorizes even more police violence. And police brutality has been the reason for many protests during the years and the fear of crime is central. Therefore, media and technology has been used to gain the attention of the masses. It is being used in order to try and shock people into paying attention by showing what is happening and to force a conversation about it.

The population of the US today are the products of the choices made by their ancestors. These choices differ depending on the color of your skin, but nevertheless those choices are what the history consists of. The build of the Civil Rights Movement is the build of a movement that cherishes human rights. And with the Black Lives Matter movement, everyone’s live matters. It is about re-humanizing POCs as people and to change the way the United States understands human dignity.
6.2 HOW FACTS AND ARGUMENTS ARE PRESENTED

The people being interviewed, who are mostly activists, politicians, and professionals working at universities, are in focus in the documentary. Some of them are seated in the center of the frame, while others are not and are instead positioned more to the side of the frame. This placement of the ones being interviewed feels a bit unordinary because it is asymmetrical, but it draws the attention directly to the one speaking on screen.

The backgrounds that are used for the interviews alter from bright and colorful to dark and essentially colorless. And that is not related to who is speaking or what opinions that particular person has, but it seems the combination of factors concerning the background has to do with how the rest of the setting in that specific scene looks like. For example, what room they are filming in and where they are seated in that particular room. Therefore the backgrounds help draw the eye of the spectator towards the person on screen because they stand out against it. This mise-en-scène is what brings authority to them and to what they are saying.

Whenever an interviewee starts talking they can always be heard a little before they can be seen, so they start with a few seconds of a voiceover before the interviewees appear on screen. And their interviews are also sometimes intermittently cut together in order to enforce each other’s arguments and facts about a specific event or statistic that is being presented. And when they are filmed facing the camera, the camera is static and non-moving. But when they are being filmed from the side then the camera slowly and smoothly moves either forwards or backwards and there is never any zooming involved.

In this documentary there is a lot of animated graphics included, and these moving graphics are all in black and white. Facts that are presented in \textit{13th} morph into graphics, text, and video clips in order to show statistics, people, and events that have occurred that can be connected to the presented facts. And when these graphics appear on screen, there is oftentimes a voice of God that is presenting the facts that are being illustrated on screen. Also, whenever someone says the word ‘criminal’ in the documentary the word will be spelled out in big capital white letters against a solid black background.
At the end of the documentary the background is white with black tape pieces occurring on a black-greyish background with white text. And this white texts consists of people’s name, age, what happened to them and where, who were killed because of police violence.

When it comes to the music that is being used in this documentary, it is very mood setting. There is piano music, strokes and trumpets being used, but also songs whose lyrics can directly be connected to what is being presented. Sometimes the music has a sense of echo and hollow feel to it that gives an alarming and sad feeling. And when some of the songs are played their lyrics are being animated on screen in white letters against a black background, and these lyrics can in turn be related to the struggle and the facts that the documentary is presenting. It all ends with a song about injustice while showing black and white happy images of POCs.

Old news reports and headlines from newspapers through the years are also frequently included in the documentary. This, in order to give the audience the visuals of what the interviewees are talking about. And this, together with old recordings of speeches and such being combined with old clips and news from media, like a voice of God, are what gives the presented facts more authenticity and believability.

7. RESULT

Here, I will present the results of the analyses where the presentation and portrayal of the facts have been introduced. And how they can be connected to the two chosen analyses methods, discourse analysis and neoformalist film analysis, and their methodological tools.

7.1 DISCOURSE ANALYSIS

It is very clear from the beginning of the documentary that the discourse concerns the American prison system. And how this system was, through laws and the declaration of war on crime and drugs, meant to put criminals in jail and prison in order to protect the US population. The prison system delivers the picture of doing something good and that it is acting favorably for the United States.
The truths of the documentary are, partly, in the statistics that are shown of how the prison system seems to have been heading in the wrong direction. This, through the facts that are presented in the documentary of events occurring throughout history as a buildup of the blatant racism in the American prison system.

Fact after fact is presented in order to strengthen the argument that the prison system is failing the Americans. This racism started with slavery and later developed into segregation in the American society, and then this system of mass incarceration. This shows the depth of the racism that has occurred, and still is occurring. And because of this system of mass incarceration, people who would not necessarily end up in prison are now stuck there.

Those are people who would have contributed to society when released from prison, but now have a minor chance to do so because of all the disadvantages of having been convicted. And the media coverage and showings of POCs as criminals and of lesser worth, has commenced because of the history of racism and the society’s lack of tolerance. And kids who are now growing up without their parents, become caught in the same prison system because of the media’s education which criminalizes the POC communities.

The facts that are being brought up in the documentary are relevant because they show, tidbit for tidbit, how all these racist events have culminated into this system of mass incarceration. They tell the story of how this system was made possible. The facts of the documentary are the truth of the documentary, and that truth is the resistant discourse. Therefore, it is the reliable truth of history which this resistance was built on. And that resistance is shown very quickly in the documentary. The resistance is aimed towards the American prison system and the racial inequality that occurs within it, which has caused the mass incarceration that have been taken place for decades.

This racism is not something that has come and gone, but it has actually been something that has constantly reinvented itself in order to not be as “obvious”. And the resistance to power and discourse is, in this case, the fact that the American Prison system is not equal to all its citizens. Instead it treats its population differently based on, partially, their skin color and financial status.

The facts that represent the resistance to discourse tell the story of how the shape of racism has changed through history. It was first most promptly visible during slavery, which then turned into convict leasing, then the laws of Jim Crow and the segregation that followed, and now mass incarceration.
Passed laws that disadvantage POCs, and how these laws have affected those communities through the war on drugs and so forth further strengthens the resistance. Therefore, the resistance to discourse and power in this documentary is blatantly clear. The American prison system is not just and does not benefit the nation and its citizens. Changes must be made in order to see all as equals in order to instill new trust into a system that is supposed to protect all Americans.

7.2 NEOFORMALIST FILM ANALYSIS

This documentary tackles a major subject within the American society. By the facts that the film presents, which are strengthened by, for example, the included clips, it manages to explain the reality of its subject matter. Which is the reality of the film. But when it comes to the documentary’s relation to the world around it, the relation is created by having the subject matter be something that is very relevant and discussed today that concerns the whole nation of the United States.

The documentary has a simple aesthetic style that does not overshadow the facts that it is presenting. This aesthetic style brings the facts to the center of attention for the viewer and accentuates them.

By constructing the documentary in a specific way the film is able to create patterns of how to deliver the message of the film, which, in this case, is strengthened by the presented facts interweaved with the clips, animations, and music that are included. With this combination of patterns of a film it creates an aesthetic game that renews the viewer’s mental process. Which engages the viewer in a way that affects their way to perceive, feel, and reason. An aesthetic game that is specifically tailored for this particular documentary in order for the film to convey the exact message it intends to.

The facts are presented by intellectuals and are then strengthened by clips, images, news headlines, graphics and animations, and music. The interviews are edited in a way so that they are cut together with clips that show the events that they are presenting facts about, and thus using the interviewees’ voices as a voiceover for those clips. Those intercut clips are at times replaced with various graphics or animations that also further confirm what the interviewees are saying. Together with these interviews, clips, graphics, and animations, music is also used
in order to set a mood for what is being presented. Which creates a pattern of how the documentary presents its facts.

The pattern of the documentary is that many parts of it are collaborating at all times in order to leave a greater impact on the viewer, and to show the level of importance of the subject at hand. The viewer not only sees the interviews, the clips, the statistics and such, but can hear what is being said about what is shown, and also hear the background music. Which puts further emphasis on what the documentary is showing, by the mood that it is setting and giving to the facts and also by the performed lyrics that can directly be connected to the subject of the film. And by having that many parts of a film working together, the documentary builds a construction of sending a message where the viewer can be greatly affected. Because that combination of a pattern brings out the emotion of anger that this kind of injustice occurs, and also that there is a need for change.

And apart from the interviews in this documentary and some clips, everything is in black and white. This builds, not only the feeling that what is being shown is of great importance, but also the feeling of urgency to change things. That is because of the symbolism that the colors black and white many times have. Namely, the good versus the bad. And in this case there is more black than white that is being used in the documentary, which brings about the feeling of said urgency for change.

When it comes to the camera angle the asymmetrical positioning of those being interviewed draws the viewer’s attention directly to those being interviewed. The backgrounds, which are simple, used in those shots also help draw the viewer’s attention and intrigues them into observing what is happening or what is being said. This mise-en-scène is what brings authority to the interviewees and to what they are saying, because all of the viewer’s focus is only directed towards the person speaking and to what is being said.

That brings us to the theme of the documentary, which is that this subject matter is black and white. Expressly, that either we are all equal in the eye of the prison system or we are not. And because this equality, often when it comes to race, is not present today and should be strived towards to make exist.
8. DISCUSSION

In this chapter of the thesis, I will discuss the results of the analyses through the three theoretical perspectives that I have chosen to work with.

8.1 DISCOURSE ANALYSIS

The prevailing discourse of this documentary concerns the American prison system and how it is supposed to keep criminals out of the streets and protect the American citizens. And the resistance to discourse is the knowledge of, and fight against, the racism that is so blatantly present within it (Foucault 2002, p. 105). Laws and the history of racism have contributed to an era of mass incarceration that have mostly affected POC communities and poor people. The prison system is therefore not equal to all American citizens, but benefits some and severely disadvantages others.

This prevailing discourse is being challenged by being questioned about how it has treated its citizens differently based on their race (Foucault 2003, p. 194). Facts of racism through the American history is being presented in the documentary in order to show that this is not something new, but is actually something that has been occurring for a very long time. And that has now grown into this system of mass incarceration.

Because we, as a people, must have an aspiration to reach a level of truth; by watching this documentary and by taking in all the facts that it presents, we shall be able to better understand what is happening and why this era of mass incarceration has come to fruition (Foucault 1981, p. 54-55). What consequences it has and how it affects the US population. In order to want to learn the truth, we can take in the facts that are reliable. For example, the facts taken from history. Events that we know for certain has occurred. This, in order to be able to evaluate them so we can be able to form our own opinion on the subject matter in order for us to understand what is happening.

By understanding the truth and examining it, we can understand how different constructions are working together (Florén & Ågren 2006, p. 124). How the politicians, the passed laws, ALEC, the media, and history all contributed to the buildup of this era of mass incarceration in the American prison system.
The politics and laws have always played a major part of racism in society. Slavery, convict leasing, segregation, and now mass incarceration. They have always had a big say on building the opinion of the masses. Later on in history when media became a more integral part of society, it became easier to spread that opinion of racism. The film about the Civil War *The Birth of a Nation* that is mentioned in the documentary for example. And later on with the broadcasting of political speeches and elections, commercials, news, and so forth that educated the POC communities that they were criminals simply because they were POC. In other words, major parts of influence in society have worked together in order to build this picture of what some people are supposed to be and what others are not. A picture, which this prevailing discourse shares.

And individuals who are not well-adapted to the prevailing discourse, such as the poor and POCs who have been labeled as lesser individuals because of racism, risk being regarded as threats to the discourse (Foucault 2003, p. 194). In reality, they are the victims but are instead portrayed as the predators in this situation. They are seen as animalistic and criminal, and those facts are deeply rooted into them by the influence and power of the prevailing discourse. Therefore, the prevailing discourse has educated the nation that POCs are criminals and of lesser worth. The same goes for the poor. This is backed up by continuously having POCs put in jail and prison for whatever offence, and simultaneously gaining big amounts of money because of it.

When a discourse is being challenged, it is put to the test and must find new ways to defend itself. Therefore, the concerning parties saying that they want to change the prison system and saying that they were not a part of the lawmaking that lead to this era of mass incarceration, even though they definitely were (ALEC), now want to defend themselves by introducing their GPS-monitoring model. This, as lawmakers now are starting to talk about wanting to change the American prison system in order to demolish the mass incarceration that deeply affects the POC communities.

Thus, this prevailing discourse has its sights on changing its tactics in order to maintain its power over the prison system, but at the same time appear as if it is on the people’s side. It now wants to earn money on GPS-monitoring convicted felons, who instead of being locked in prison will now be locked in their own homes in their own communities. So, instead of just releasing prisoners because the prisons are being overfilled, there will be an opportunity to increase the number of prisoners without having to worry about finding an empty cell for
them. Money can therefore also be saved because new prison facilities will not have to be built.

To challenge a discourse is to attempt to defend the power of truth within the discourse in which it operates. It creates a resistance that seeks to tell the truth of that discourse (Gaventa 2003, p. 3). Therefore, the reason this documentary has chosen this subject matter is because it wants to shed a light on a subject that many may not be aware of. It is the want to have the truth put out there in order to be able to start a change. To make that change happen. It is in order to not let the US population be fooled by only what politicians and media say. But for them to actually know the real facts and histories behind it all in order for them to be able to create their own opinion of it. And to then start the change to abolish the vast racial inequality of this system of mass incarceration.

8.2 HEGEMONY

When it comes to the theory of hegemony, the concept is leadership that is built on the consent of those being led (Bates 1975, p. 351-352). In this case those being led are the POCs and those leading are those who are not POCs.

Because the ruling class and their racism is the domination of this discourse, they have affected the attitudes of the POC communities which now have accepted the ideas that criminalize the new generations of POCs. Ideas that were set into motion in order to inflict racial inequality.

Mass media is subject to the production, reproduction, and transformation of hegemony in society through cultural production and consumption (Strinati 1995, p. 168-169). This has occurred through the education of the POC communities that the media has done throughout these past decades. Which have resulted in further criminalization of those communities.

Through the education of the media, the general POC communities have accepted the ‘fact’ that they are criminals. Therefore they have subconsciously given their consent to that idea of them. Thus, the leadership based on racism can go on in this system of mass incarceration. That consent is secured by the popularization of the ruling class’ worldview that signifies their dominance, which has occurred through the media coverage and portrayal of POCs as
criminals. Therefore an individual is not only led by force, but also by ideas. The idea that POC are criminals and animalistic predators that should be feared (Bates 1975, p. 351-351).

As documentaries are a part of media, this documentary can help affect the attitudes, standards, and ideas that the hegemony in this discourse holds today. Namely, to change the way this system of mass incarceration is viewed and to show how deeply racist it is by presenting all the facts that surround it, which have helped develop the system through time. Although this aspect of documentary effect is not something I was able to research, it is theoretically possible.

Because revolutionary social change depend on the formation of new interests that have built a cohesive worldview; this documentary’s interest of creating a prison system that is equal to all American citizens and not be racially biased as it is today, is that key in our modern day society (Williams 1977, p. 27). By making people aware of how the prison system works today it will awaken them in order to see the racial injustice that is such a big part of it, and which has to change.

Something new has to be added in order for change to happen within a society or discourse. And by something new, or at least a new deeper look for the unfamiliar masses, this documentary can be mentioned. It is a film that tackles a subject matter that has not been filmatized before. And by making this documentary and having it be put on a platform such as Netflix, which is widely popular and available to all, it has the opportunity to have an effect. A deeper view which many may be unfamiliar with to this American prison system has been presented through 13th.

8.3 NEOFORMALIST FILM THEORY

The neoformalist film theory focuses on the construction of an artwork (Thompson 1988a, p. 6). And this documentary’s construction is very simple. It presents facts through interviews and strengthens them with clips from media coverages or animations. This, in turn is further strengthened by background music in order to convey the facts and their weight of importance. Except the interviews and some clips, which leaves animations, graphics, and the remaining clips that together make out about half the film, are in black and white, which further contrasts the inequality that is taking place in this system of mass incarceration.
The story of the documentary are the facts of the film. The facts are presented by well-versed intellectuals that work within this field of knowledge. It also consists of clips from events throughout history that contribute to the telling of the story of how this system of mass incarceration came to be.

When it comes to the stylistic part of the documentary, the interviews are filmed from two different angles. From the front where the camera is completely still. And from the side where the camera is slowly panning to the side. This gives the images a sense of calm and collectedness. Also, all the animations are, as previously mentioned, in black and white, which sets a contrast to the racial inequality that is occurring. And the editing combines the interviews with animations and other clips and music. By backing up the presented facts with clips, articles, interviews, animations, music, and the editing style, the documentary yields its effects on its viewers.

The narrative, or story, is deeply supported by the stylistic part of the documentary in order to bring out the importance of the message of it (Barratt 2009, p. 530). The story, editing, music, graphics, and animations. They all work together throughout the documentary’s course in order to show the viewer how deeply rooted this racial injustice is within the American prison system (Rushton & Bettinson 2010, p. 133).

The purpose of this documentary being constructed in this particular way, is in order to convey the highest amount of emotion in order to have an effect on the viewer (Thompson 1988a, p. 6). This, in order to have the viewer to start thinking about this subject even after having seen this documentary. And when it comes to the effect that seems to be pursued by the filmmaker, it is the enlightenment of the injustice occurring because of racism within the American prison system. Which has resulted in mass incarceration taking place. The effect is to show the viewer how the situation is in reality and for them to understand the racial inequality in it in order to want to create change.

This theory focuses on how different parts of a film interact and work together in order to convey certain emotions and themes. And the facts that are presented in this documentary are being introduced interwoven with clips from historical events that are tied to racism. This, together with accompanying music that sets the mood that what the viewer is experiencing is important. The emotion of anger, sadness, and the need for change are widely portrayed. And the theme of that is that this is the time for change and racial equality within this prison system.
According to Rushton and Barratt, the form of a film is the result of a filmmaker operating within certain traditions and is in pursuance of certain effects (2010, p. 136-137). And in this case the patterns and the structure of the documentary, which make up the form of the film, are constructed in a certain way that emits the desired emotions and effects of the filmmaker. Namely, that this documentary is important and that the American prison system must be changed.

Through the form of the film, other interpretations of the documentary are not given any room for the viewer who is being affected by multiple parts of the film simultaneously. This secures the message that the filmmaker is intending to send out through the film. This, by not giving the viewers the chance to ponder about what is being shown to them, but rather to just receive what it is the documentary is presenting and to accept its content without second guessing it.

These attributes connected to a documentary can lead to the film being interpreted as manipulative, but that is not the case here. That is because the filmmaker, Ava DuVernay, successfully manages to convey the subject matter of the documentary as vitally important, just like she intended to.

DuVernay manages to get the viewer to realize the seriousness of the problem within the American prison system, by having the viewer being completely drawn into the documentary solely on her terms. This, through the help of the structure of patterns and the collaboration of the film’s different parts. Which leads to the documentary and its subject to come across as invaluably important. She therefore effectively has the viewer emotionally experience the racial injustice of the prison system, which leads them to accept the documentary as truth.

This truth is built upon the facts which the documentary’s story consists of and how this story is filmically shown, which in turn builds a certain viewpoint (Nichols 1991, p. 125). And this viewpoint is that the racial injustice of the American prison system is a very important problem which needs immediate attention. Which DuVernay is very successful at conveying in 13th.
9. CONCLUSION

This essay has examined what, and how, facts and arguments about the American prison system have been portrayed in the documentary 13th. What it has established is that the prevailing discourse of the film concerns the prison system of the US and the resistance to that discourse is the showing of its racial inequality. The era of mass incarceration in this prison system has been severely racist towards POCs, and the US has had a long history of racism which has led up to this system also being racist through, for example, laws.

When it comes to the dominance of that prevailing discourse, the leadership consists of those who are not POC, and those being lead are therefore the POC communities. Mainly, those leading consist of politicians and media. This leadership is based on racism which has let this era of mass incarceration to go on. And by this documentary adding something new when it comes to informing the masses about this racial injustice, then change can be instilled.

And the documentary’s structure is very simple and it uses the collaboration of its different elements to strengthen the message it is sending. These different aesthetic and stylistic parts of the film work together in order to convey the theme of racial inequality within the American prison system, and the emotion of urgency that something needs to be done in order for this system to become equal to all the nation’s citizens. Except for the interviews and some of the video clips included, everything in this film is in black and white. And it is constructed in a way that will make a great impact on the viewer. So great, that they will keep thinking about the subject even after seeing the film.

When it comes to media, which has great power to make an impact on attitudes and opinions of the masses, maybe this documentary can be a part of that impact for a prison system that is not racist but instead more equal. And the facts and arguments of this documentary are very clear and like most elements of this film, this prison system of racial injustice is either black or white. Either it is equal or it is not. And now, only time will tell if 13th will be the impact needed for the change that so many have been waiting for.
10. FURTHER RESEARCH

Because this field of study is not well-researched, an idea for further research would be to examine how the media coverage of the subject of racial discrimination within mass incarceration affects the public. Or to research the difference of impact of said media coverage during these four decades during which this system was built, and how it differs over time. Another suggestion for further research is to study the media coverage of the documentary *13th*, in order to see what kind of effect it has on its viewers. These three approaches would then help give a more complete picture of this field of research.
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11.1 PRINTED SOURCES


### 11.2 ELECTRONIC SOURCES


11.3 FILMS

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