

# Twelve angry men and pessimistic views



“ Twelve Angry Men presents the pessimistic opinion that all humans are fallible”. Discuss. Pessimism? Depending on the definition that you give to this your answer might be different Pessimism infers negativity of some degree. If there is “ pessimism” in Rose’s message (and I think there is not! , it could be seen in the uncertainty that his description of the Jury room process involves – it is not perfect and open to prejudiced manipulation, poor governance and apathy, but concurrently it is also open to a positive dissent that evokes the values that any civilized society overfed by democratic processes and laws strives to achieve – a balance between individual and societal Justice that allows for difference and for doubt, where the pragmatist might desire expedience and a retributive Justice (revenge) as against a restorative Justice dependent on a burden of proof provided by the prosecution and the presumption of innocence of the accused. You also need to know what optimism meaner, to understand why Rose’s view is much more positive. He has a hope for the democratic processes that take place in the Jury room, even although they are flawed, they are still imbued with the liberty to speak one’s own mind and allow for changes In opinion and attitude. Injustice has been avoided, although Justice may well still have room to be achieved – doubt Is allowable, indeed encouraged in a democracy. The Jury room began with no doubt, became open to change and eventually achieved unanimity based on reasonable doubt despite continued division. Fallibility?

Again, depending on your definition of “ fallibility”, mistakes are Inevitable; we are all flawed and open to error. Indeed this capacity to learn from error makes us what we are It also gives us the potential to Identify partiality from

Impartiality, Lorraine from Intolerance, Justice from Injustice, etc. Rose highlights our fallibility (our very human flaws) through portrayals of individual stereotypical characters who despite their inadequacies do achieve agreement (or sorts) under difficult conditions. They learn to change despite their initial false and expedient "infallibility" and achieve a just decision despite their personal differences.

Is Rose presenting a play that bleakly concludes that all human beings are flawed and therefore the "justice system" is flawed? What does "fallibility" mean? Do the charity of jurors start off believing that they are INFALLIBLE but by the end recognize that that "fallibility" is the strength of a democracy, in that there are pylons that can be changed, that there are no absolutes WITHOUT carefully weighing up motive, manner and opportunity AND the facts are open to interpretation? They also learn to admit their flaws through confront the fear of doubt is "anger" part of their fallibility? Do they learn to cope with their errors of judgment? Is this not optimistic? BUT would they have achieved this without Juror 8?

Is Juror 8 "infallible" or is he just more aware of his CIVIC duty and his responsibility? Careful deliberation was required and despite the flawed beginning, it is the decision that the jury initially comes to is FLAWED, although they do not recognize this until Juror 8 challenges their beliefs with his belief in "reasonable doubt", moral responsibility, possibility and the civic duty required to achieve unanimity (as opposed to a hung jury). Rose's play depends on the presumption that all human beings are fallible (i.e. capable of making mistakes) and that the legal system is also fallible (i.e. capable of injustice), but with due attention to the democracy within a jury

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room, the freedom to speak and be challenged and the acceptance of doubt as being reasonable, Justice can be served, and injustice minimized.

Unanimity may be contrived and the vote progressively changed, but this is not pessimistic but upholds the test that the burden of proof is on the prosecution, as much as the presumption of innocence of the defendant is a foundation stone of a civilized society. Argument for Optimism through Fallibility 1. Group Fallibility: Initially the majority of the Jury accept the “kid’s” guilt without due diligence and deliberation. Without this initial straw poll position which is clearly flawed and representative of fallibility, there would be no exposure of individual prejudice, no testing of the evidence, no questioning of “reasonable doubt” and ultimately no Justice. Accepting fallibility during the process of deliberation – how many votes were there?

Being persuaded by reasonable doubt means accepting that there are two sides of the argument, both contestable by acknowledging that human beings are capable of mistakes AND can be persuaded to change their mind to allow for doubt, also provides the opportunity for democracy and freedom of speech, as long as a point of IEEF can be contested. Optimism rather than pessimism – prejudging is not reasonable

Quotes/Evidence/Explanation/Examples 2. Individual Fallibility: each Juror (even Juror 8) is open to prejudice, a failure to accept their “grave” duty (not Juror 8) Find examples of how Juror expose their own “wrongness”, their own flaws how do they deal with this? Do they change their vote – Why?

Optimism rather than pessimism – civic duty versus personal prejudice?

Quotes/Evidence/Explanation/Examples 3. Guilt of Defendant? Reasonable

doubt? Do they initially value the right of the accused to his presumption of innocence? How does this change? Whose vote does not allow for “reasonable doubt” - Pessimism By the end of the case, despite differences all are agreed on “reasonable doubt” but NOT about guilt done their duty even though they may hold other opinions about proved guilty.

Quotes/Evidence/Explanation/Examples 4. Pessimism: Who Speaks for the Victim? Often in this play the “victim” is overlooked? Does the victim get “Justice” or just the defendant?

The Judicial system is “human” - it allows for variability, doubt and the freedom to speak even if a view is fallible. Question: Is it better that a guilty person goes free and that an innocent person is convicted?

Quotes/Evidence/Explanation/Examples Argument for Pessimism through Fallibility: 1 . Opening Vote - majority of Jurors quite willing to convict without due diligence and deliberation. Does this mean that all Juries will do the same? Maybe they have? Is this a pessimistic view? Why? How?

Example? Straw poll v Secret Ballot - “Let’s do it the hard way?” What human fallibility is shown in this position? Expediency? Failure to accept the moral responsibility assigned by the Judge to their deliberations? Failure to pursue their civic duty? 2.

Failure of individuals to accept their “civic responsibility”? Due diligence? Who cares - Juror 8? Who doesn’t care? How do they change and under what “intimidation”? Examples - how does Juror 8 bring about change? Who aggressively challenges this change? What would have happened if Juror 8 had not had the moral strength to challenge the peer belief? Is this a pessimistic view? Why? How? Example? How is this illustrating “human

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fallibility"? Who is open to suggestion and easily changes their mind UNTIL he is in the minority? Are the majority fallible in not recognizing their civic duty? 3. By the end three Jurors do not really change? Prejudice?

Who are they? Why don't they change? Why do they eventually change their vote? What prejudices remain immutable? Why? Is this a pessimistic view? Why? How? Example? Is prejudice a group fallibility or an individual flaw? Some people will not ever change their view - bigotry? Is this common or only is a small portion of the community that a 12 man Jury represents? 4. How does Juror 8 display his fallibility? (YES HE DOES! ) Indeed he gambles on the fallibility of others; their capacity to be persuaded? Is his doubt" an intimidators strategy, providing everyone with no choice but to accept "doubt" about everything? How? Why? Is this pessimistic?