

11 TO 1: AN ANALYSIS OF THE CONCEPT OF 'BEYOND ALL REASONABLE DOUBT' CONCERNING THE MOVIE '12 ANGRY MEN'

Mariam Fatima*

ABSTRACT

Sometimes, a question is all it takes to save a man's life. The importance of a mere question, which doubts the possibility of the occurrence of an incident, is that it can be the reason an innocent man is acquitted. To be able to convict a person of a crime, the prosecution must convince a group of twelve jurors beyond all reasonable doubt. Even if one of these jurors falls through the cracks of the arguments presented and raises questions, the entire case falls apart. 'Twelve angry men' is about this one such juror, Davis. As juror number 8, Davis questioned the arguments, analysed the evidence and debated with eleven of his fellow jurors for the sake of a young boy's life. The slight chance that this boy might have been innocent is a good enough chance to take a stand against eleven angry men, and he did just that. The reason he questioned and stood against a room full of jurors who voted guilty is not because he knew the boy was innocent. Rather, it was because he knew that several possibilities could have happened. All of the twelve jurors heard the same arguments and were presented with the same evidence, but none except for Davis, were questioned. He questioned to be sure that the scenario of the crime painted by the prosecution was the only scenario that could take place. As Benjamin Franklin once said: "It is better to let a hundred criminals go free than to imprison one innocent man"

Keywords: Juror, Reasonable Doubt, Bias, Discrimination, Question.

INTRODUCTION

A jury trial is when the fate of a person who has been accused of a crime, is left in the hands of twelve randomly appointed anonymous citizens. The Indian Judiciary system is rather different from the American Judiciary System. While there are similarities, the major difference is that in the United States of America, the people have a right to a jury trial, which is an erased practice in India. Any person who is to be tried for a crime that is punishable by confinement of six months or more has a right to be tried in front of a jury rather than just a

*BA LLB, THIRD YEAR, SYMBIOSIS LAW SCHOOL, HYDERABAD.

judge. The Jury system in India was practised until 1973 but is practised no more. Even though this might seem like a considerable difference between India and the United States, the concept of beyond all reasonable doubt remains intact.

Beyond all reasonable doubt is a doctrine in which, an accused in a criminal trial must not be convicted of the crime unless the evidence presented against him is proved to be undoubtingly true. The burden of proof to assure the evidence falls upon the prosecution. Therefore, all that the defence has to do, is plant a seed of doubt in the case of the prosecution. This concept of reasonable doubt may go either way when making a difference in the justice system. It may restrict and stand in the way of the conviction of a guilty person, restricting the process of judiciary and letting a criminal walk the streets again, or it can save a life. The principle of innocent, until proven guilty, goes hand in hand with the principle of beyond all reasonable doubt. Any person who has been accused of committing a crime must be regarded as innocent before being officially convicted by the court. This may come as a restriction to the regularly practised media trial in today's age.

The Legal Information Institute defined this concept beyond all reasonable doubt as a "*legal burden of proof required to affirm a conviction in a criminal case. In a criminal case, the prosecution bears the burden of proving that the defendant is guilty beyond all reasonable doubt.*"¹ This means that before a jury can reach a verdict, the case made by the prosecution must be airtight, and the evidence and the facts presented before this group of twelve citizens, should be proved to be the only scenario that could have taken place. If a question of "what if?" arises, and the scenario of how the crime was committed is not satisfactory, the jury will either acquit the accused or be declared hung.

Jury or no jury, the standard of beyond all reasonable doubt is ideally to be followed in any judicial system, but as no judiciary is perfect, there are factors which meddle in the working of justice and possibly convict an innocent. This is precisely what would have happened if Juror 8 did not raise questions in the play, *Twelve Angry Men*.

RESEARCH METHODOLOGY

The research methodology used in this paper is qualitative and doctrinal methods primarily. The researcher will be analysing the concept of beyond all reasonable doubt, regarding

¹'Beyond a Reasonable Doubt' (*Legal Information Institute*)
<https://www.law.cornell.edu/wex/beyond_a_reasonable_doubt> accessed 19 July 2023

Twelve Angry Men. There will be a study of different journal articles and papers written on the topic at hand, which will add to the research dimension and expose the reader to different perspectives. The researcher will analyse this play, written by Reginald Rose in 1954 and the movie based on it, directed by Sidney Lumet in 1957. This research will overall cover the different aspects of the play and highlight the factors that significantly affect the conviction of an accused.

LITERATURE REVIEW

“Self-righteousness tends to corrupt” says Richard Hornby in his journal article *Beyond a Reasonable Doubt*² in which he discusses and describes how a preconceived notion and a “gut feeling” that one gets when they find a person guilty, comes in the way of justice. This article discusses how “prosecutorial mentality can run amok” and when a person does not have an open and neutral mind coming into a trial as a juror or audience, and holds a bias to prosecute the accused, innocents get convicted. The preconceived notion that the jurors had in this play is what made eleven of them vote the accused as guilty. Further, in the article *Inferring Beyond Reasonable Doubt*³, the authors, Bernard Robertson and G. A. Vignaux speak about analyses of the concept of how primary facts need to be proved beyond reasonable doubt. This analysis is concerning the Australian criminal court and the New Zealand criminal court. The authors analyse different case laws and what the different courts have held in them in detail.

The history and the very origin of the principle of beyond reasonable doubt is discussed in *Origins of the Legal Doctrine of Reasonable Doubt*⁴, by Theodore Waldman. In this journal article, the author discusses the historical background and the development of the concept of reasonable doubt over the years. The preliminary study, as mentioned in the paper is primarily focused on when this concept was first coined and introduced in criminal cases, and the progress and growth it has seen since. To further our knowledge about the history and status of this concept, the author of this paper referred to the journal article, *The*

² Richard Hornby, 'Beyond a Reasonable Doubt' [2005] 58(3) The Hudson Review <<https://www.jstor.org/stable/30044802>> accessed 19 July 2023

³ Bernard Robertson and GA Vignaux, 'Inferring beyond Reasonable Doubt' (1991) 11(3) Oxford Journal of Legal Studies 431, XXXX <www.jstor.org/stable/764218> accessed 19 July 2023.

⁴ Theodore Waldman, 'Origins of the Legal Doctrine of Reasonable Doubt' [1959] 20(3) Journal of the History of Ideas <<https://doi.org/10.2307/2708111>> accessed 19 July 2023

*Constitutional Status of the Reasonable Doubt Rule*⁵, written by Donald A. Dripps. In this paper, the author, not only argues that as per the due process of law, the government is required to establish every fact that is presented, but also contends that “due process includes the principle of legality”. This paper lays down what the concept of reasonable doubt does and how this safeguard prevents convictions of persons who have not violated the state law. It further argues that the constitutional right of the people against wrongful imprisonment which is protected by reasonable doubt standards is being ignored by the courts and the government by the legislative compromises in the adoption of criminal law reforms.

*One inspiring jury*⁶ is a review of the play *Twelve Angry Men*, written by Phoebe C. Ellsworth. It speaks of the long hatred for the jury that American hold. This review of *Twelve Angry Men* analyses the plot line and discusses how this literature is the ideal depiction of a jury system in America. It also mentions the history of this play, how it was first a television show, later rewritten and published by Reginald Rose, and then made into a movie. It is a beloved piece of literature held dear in American literature and often enacted by high schools and amateur actors. The article *TEN ANGRY MEN: UNANIMOUS JURY VERDICTS IN CRIMINAL TRIALS AND INCORPORATION AFTER MCDONALD*⁷, by Kate Riordan, is also a review of this play. It presents the review while simultaneously comparing the plot and the various concepts involved, to real-time cases that have taken place in the American courts. *The Standard of Proof in Juvenile Proceedings: Gault beyond a Reasonable Doubt*⁸, by James Hillson Cohen, takes a more technical aspect of this piece of literature and discusses the existence and the importance of reasonable doubt standards in criminal trials involving juveniles.

The note *Reasonable Doubt: To Define, or Not to Define*⁹, written by Henry A. Diamond, argues that the reasonable doubt standard is given to the jury when contemplating whether to hold a person liable. It presents different perspectives, either to define the reasonable doubt

⁵ DonaldA Dripps, 'The Constitutional Status of the Reasonable Doubt Rule' [1987] 75(5) California Law Review <<https://doi.org/10.2307/3480489>> accessed 19 July 2023

⁶ PhoebeC Ellsworth, 'Review: One Inspiring Jury' [2003] 101(6) Michigan Law Review <<https://doi.org/10.2307/3595316>> accessed 19 July 2023

⁷ Kate Riordan, 'TEN ANGRY MEN: UNANIMOUS JURY VERDICTS IN CRIMINAL TRIALS AND INCORPORATION AFTER MCDONALD' [2011] 101(4) The Journal of Criminal Law and Criminology (1973-) <<https://www.jstor.org/stable/23150020>> accessed 19 July 2023

⁸ JamesHillsoncohen, 'The Standard of Proof in Juvenile Proceedings: Gault beyond a Reasonable Doubt' [1970] 68(3) Michigan Law Review <<https://doi.org/10.2307/1287557>> accessed 19 July 202

⁹ HenryA Diamond, 'Reasonable Doubt: To Define, or Not to Define' [1990] 90(6) Columbia Law Review <<https://doi.org/10.2307/1122751>> accessed 19 July 2023

for the juries or not define it. It begins with the Winship case, in which the Supreme Court of the United States, held the concept of beyond reasonable doubt. With this, the paper proceeds with proving that “jury instructions defining reasonable doubt”, must be present in all criminal trials.

To counter the general argument of the present article at hand, the author looked at a different approach to the application of the principle of reasonable doubt. In the article *Reasonable Doubt and Moral Elements*¹⁰, the author, Youngjae Lee, argues that this “fundamental proposition” of the American Criminal System is flawed. He says that the concept of beyond a reasonable doubt restricts the jury when analysing the facts. The article divides the elements of a crime into two parts, the factual and the moral. It is argued in this piece of literature that the principle of beyond reasonable doubt can only apply to the factual elements and not the moral elements of a crime. The author, tenaciously proves throughout the article, by way of three main reasons, why the moral elements of a crime must steer clear of the concept of reasonable doubt. To add another perspective to reasonable doubt, Benjamin Vilhauer, in his article *Free Will and Reasonable Doubt*¹¹, discusses how free will factors in when a crime is committed. It states that if the free will of a person can be reasonably doubted, then it is required for the justice system to not hold him strictly liable for that crime. The paper focuses on the “free will debate” and how it is of utmost importance to argue that if there exists reasonable doubt about free will in the commission of a crime, then it must not attract dire consequences. The article also goes deeply into the value of free will.

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ANALYSIS

The play twelve angry men is about a jury that in a matter of hours, changes its verdict from 11 to 1 for guilty to all voting not guilty. Many important factors of the working of a jury are highlighted in this piece of literature; facts, evidence, perspective, bias, discrimination and time. This legal drama can be said to be how a jury should ideally work, unfortunately, the ideal is a far-fetched goal amidst the biases that exist.

At the end of the day, these twelve citizens that come together to decide an accused’s fate, are human. And humans, more often than not, are prone to making mistakes, but there must not

¹⁰ YOUNGJAE LEE, 'REASONABLE DOUBT AND MORAL ELEMENTS' [2015] 105(1) The Journal of Criminal Law and Criminology (1973-) <<https://www.jstor.org/stable/26402439>> accessed 20 July 2023

¹¹ Benjamin Vilhauer, 'Free Will and Reasonable Doubt' [2009] 46(2) American Philosophical Quarterly <<https://www.jstor.org/stable/20464445>> accessed 20 July 2023

be any room for error when a man's life hangs in the balance. It is necessary for these twelve citizens, to sit in the jury with an open mind, absorb the facts and question the evidence. In the play *Twelve Angry Men*, the jurors come with a determined attitude that the accused must be guilty, this is brought upon by several factors including discrimination and bias against the poor. In the face of eleven jurors voting for guilty, Davis, in a calm and collected manner, raises questions and in turn, convinces each of these eleven angry men to change their votes. When Davis voted for not guilty in the first round of voting, was because he was not sure. Being unsure means there is room for reasonable doubt, which means the accused cannot be convicted.

The movie starts with twelve citizens entering the jury room to decide the verdict in the murder trial they had just heard. Right in the first few minutes, it is established in the room that all of the jurors think that this is an open and shut case of murder and there is no other verdict than guilty. The murder in question is of a man who was allegedly killed by his son, an eighteen-year-old boy. As the jurors sit down for the first round of voting, to their surprise, among the pool of guilty votes, there appears a not guilty. Davis, juror number 8 has gone against the entire room of like-minded men and voted that this alleged murderer should be acquitted. This Juror 8 was not bought or bribed by the defence but was simply unsure. He was unsure about the facts and evidence that was presented by the prosecution. He starts raising questions and voicing the doubts that he has, through these questions that he puts before his fellow jurors, multiple rounds of votes are taken. One by one, Davis convinces or rather creates reasonable doubt in the mind of each juror. In the midst of Davis making his case, the author of this play beautifully draws out the factors that affect a juror's mind. From being late to a baseball game, fighting personal demons, to having an age-old bias and a serious case of discrimination against a community, the preoccupied minds of these jurors decide the fate of a young boy.

At the very beginning of the film, the judge instructs the jurors that even if they have a slight doubt, they must come back with a not guilty verdict. Only when the votes are unanimously in favour of the guilty shall there be a conviction? This was laid down as the case of premeditated murder is a grave offence and the punishment is being put in an electric chair, either acquittal or death. The very first factor that led the majority of jurors to vote against the accused boy was incompetent counsel, adding to this the personal conflicts that each juror had in himself, clouded their judgement. Juror 10 had an extreme discriminative bias against

the people of the slum, the boy, being from a slum, was already on the bad side of this juror, by no fault of his own. Juror 10 often referred to the boy as “them” and how “his people” are uncivilised and prone to committing crimes, this was his explanation as to why he thought the boy was guilty. This mindset seriously blurred his vision and made him vote guilty, even if there were to be a single piece of questionable evidence, this juror would have believed it and convicted the boy. Another juror, number 3, was a father who had a complicated relationship with his son. This personal struggle of his made him view the crime as something his son would have done. He projected his problems onto the case and gave a vote of guilty. These two jurors were the last ones to doubt the shaky case of the prosecution, but in the end, they were able to put their experiences behind them and vote to save a life.

The protagonist, juror 8, instead of coming to the table with a pre-decided verdict, came with a mind full of questions. When he is asked by the other jurors why he voted for not guilty, we see him answering them with a simple “I don’t know”. This answer is enough to see that there was reasonable doubt in his mind. Davis most articulately found loopholes in the case, he enacted the scenario that the prosecution alleged had happened, and he put his efforts not because he wanted to convince the other jurors, but simply because he wanted to convince himself into being sure. He stood against the overwhelming peer pressure and he took his time, to analyse the facts and evidence of the case, because he knew that a young boy’s life was at stake. In addition to the bias against the people from a slum, people of poverty, and personal conflicts, a juror also had a petty reason to rush to a verdict. A baseball game. Surely, he made it seem as though that did not affect his decision, but it gave him a reason to reach a verdict quickly without discussing the case. All Davis asked of the eleven men, was one hour of their time, to merely talk about the case and not sentence an eighteen-year-old boy to death without being sure. This one hour on the hottest day of the year was also too much to ask for, but this hour is what made all of them change their minds, and save a boy’s life.

The play touches upon multiple aspects of a jury trial and compels the viewer to think. It legitimately makes one wonder, how many such young boys, didn’t have a juror 8 to defend them in the jury room. This is also a reason why the jury system would prevail over a judging system. Because having different opinions at the table can always work in the favour of justice, rather than depending on one judge with your life. However knowledgeable the judge might be, to hand him a man’s life, is not only stressful for the judge but also for the accused.

The quote “It is better to let a hundred criminals go free than to imprison one innocent man” keeps coming back analysing this play as it most aptly captures what juror 8 is fighting for. The play truly captures the strength of a voice and how much of a difference a single juror can make.

CONCLUSION

This play is an incredible piece of literature, and also has a deep relation to the world today and in 1954. We see bias and discrimination around us every day, may it be people from a slum, Afro-Americans, Asians, Scheduled Castes and Scheduled Tribes, Muslims, or many other factors that put people at a disadvantage. These biases existed when this play was written and still exist today. Having said that, it cannot be ignored that there have been a lot of efforts to curb these biases and they have decreased significantly over the years. The people have become more accepting, but it still exists. To think that an innocent, accused similarly to this play, would get a completely unbiased jury, remains a gamble.

Another detail that the researcher has noticed in this play, is the sheer lack of women jurors, which also speaks of where the society was when the play was written. To even write a play that highlights the common discrimination of that era, can be considered as a courageous act. Putting aside this detail, owing to the setting of this play, it was truly a brave move for the author Reginald Rose and director Sidney Lumet to shed light on the problems of society. The fact that there is still scope for this play to be written in today’s contemporary world, about the presently persecuted communities, is a clear indication that there is a long way for us to go.