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RWS 200

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3 March 2024

Exposing Modern Day Slavery by Analyzing Ava DuVernay's *13th*

Is slavery still present in our modern day society? Directed by Ava DuVernay and released in 2016, the documentary *13th* is a deep dive exploration on the history behind the 13th Amendment of the United States constitution, revealing how there is modern day slavery exhibited through the works of mass incarceration among African Americans. Through her supporting claims, like media representation and fear-peddling to political and economic incentives, DuVernay's film presents the story of how our criminal justice system has been purposefully utilized to disempower and marginalize African Americans in the United States. By intertwining these claims with archival footage and expert interviews, DuVernay weaves together a compelling argument that challenges viewers to revise the narrative surrounding freedom and justice in the United States and to then recognize the systemic racial stereotypes and biases hidden within our criminal justice system. This essay analyzes DuVernay's argument that slavery still exists under the 13th amendment, that media representation, fear-peddling and political and economic incentives are the key reasons for this oppression towards African Americans.

In *13th*, DuVernay shows the way African Americans are portrayed in the media and through fear-peddling contributes to unfair stereotypes and racism in our criminal justice system. This reinforces a cycle of brutal policies, like Jim Crow to sentencing practices, leading to mass incarceration. This claim is vital to understanding the broader argument that systemic racism permeates the United States criminal justice system. In *13th*, DuVernay presents the audience

with archival footage like scenes from *The Birth of a Nation*. There is a scene shown in the documentary from *The Birth of a Nation*, where a woman throws herself off a cliff, rather than be assaulted by a “black male criminal” (5:53 - 5:55). There is an obvious pattern showcasing African Americans as criminals or dangerous beings. Henry Louis Gates Jr., a literary critic and a professor, quotes, “And every image you see of a black person is a demeaned, animal-like image. Cannibalistic, animalistic. The image of the African American male.” (5:53 - 5:47). DuVernay uses the scene from *The Birth of a Nation*, and the quote, said by Henry Louis Gates Jr. to show how negative portrayals of African Americans in the media have influenced racism in the criminal justice system, by being presented with the idea that all African Americans are dangerous violent beings. This helps her make her point in her argument that biased media representations can lead to unfair treatment. I feel DuVernay constructed her argument about racial inequality and systemic racism because she was concerned about this issue and wanted to bring attention to it. She used examples from existing media to support her points and make her argument more convincing. Her writing is aimed to show people how serious this ongoing issue is and to encourage people to take action to address these injustices. DuVernay believes people watching *13th* care about racial inequality because she presents the audience with emotional language, personal stories, and real examples to show the seriousness of systemic racism in our criminal justice system.

DuVernay argues the issue behind mass incarceration in the United States is not only a result of racial bias, but is majorly powered by political and economic incentives showcased around systemic injustices presented in her documentary *13th*. DuVernay provides interviews with experts and investigative interview footage to back this claim up. Bryan Stevenson, founder and executive director of the Equal Justice Initiative, lawyer, and author of the award winning

book, *Just Mercy*, was interviewed in *13th*. He quotes, “We have a criminal justice system that treats you better if you’re rich and guilty than if you’re poor and innocent. Wealth, not culpability, shapes outcomes.” (1:10:04 - 1:10:11). This quote exposes the inequalities within the criminal justice system, where wealth determines the quality of justice a person receives. It addresses the urgent need for systemic reform to ensure equal treatment under the law, regardless of economic status, and highlights the moral failure of a system that privileges the wealthy while disadvantages the poor and innocent. Associated with this, DuVernay includes the story of Kalief Browder. He was a young man from New York City who was imprisoned for three years without trial for allegedly stealing a backpack, which turned out to be untrue. Browder spent a lot of his time behind bars in solitary confinement. Despite the charges being dropped, the distress from his incarceration led to his suicide at age 22. His story highlights issues in the United States criminal justice system. In *13th*, DuVernay includes clips of an interview with Browder speaking out about his experience. In the interview, Browder states, “Then they said, “We’re gonna take you to the precinct, and most likely, we’ll let you go home. But then, I never went home.” (interviewer) “They told you that you could post bail.” (Browder) “Yes, that’s correct.” (interviewer) “\$10,000.” (Browder) “Yes.” (interviewer) “And, of course...” (Browder) “I couldn’t make that. My family couldn’t pay it.” (1:09:40 - 1:09:53). This interview clip shows how Kalief Browder's inability to post \$10,000 bail led to years of unjust detention and his trauma that eventually led to him taking his own life. It highlights the harmful impact of cash bail and economic inequality, posing the need for reform in how the legal system treats those unable to afford bail. Michelle Alexander, author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, quotes, “There are thousands of people in jails right at this moment that are sitting there for no other reason than because they’re too poor to get out!” (1:09:55 -

1:10:03). This quote sheds light on the injustice within the bail system, where poverty dictates whether someone remains in jail before trial. It criticizes the criminal justice system for allowing wealth to influence freedom, and highlights the urgent need for bail reform. DuVernay uses quotes from experts like Bryan Stevenson and Michelle Alexander, as well as Kalief Browder's personal story, to make her argument more believable and emotional. By including these quotes and stories, she makes her argument more credible and creates a more human connection because she makes you feel for these people who are/where in trouble and experienced injustice, like Kalief Browder. This makes it easier on her audience to agree with her perspective on racial injustice that takes place in our criminal justice system. I feel DuVernay wrote her argument about racism in the justice system at a time when many people were talking about racial inequity and police violence. The Black Lives Matter movement first started in 2013, so I feel DuVernay aimed to bring her argument up around that time since it was an especially valid time to do so. By providing quotes from experts and emotional connections and stories, I think she hoped to get her audience to care and want to take action. Her use of evidence is what makes her argument more believable, credible, and engaging. By using a variety of proof and storytelling techniques, DuVernay is successful when trying to employ her argument to a larger audience.

In conclusion, the goal of this essay was to analyze DuVernay's documentary *13th*, which revealed how systemic injustice is still very much existent under the 13th amendment and how our legal system is perpetuating that. It explored and analyzed DuVernay's central argument about the hidden continuation of slavery under this amendment and highlighted the urgent need for reform. Systemic injustice and racial stereotypes are still affecting African Americans in our criminal justice system. DuVernay argued that modern day slavery exists in the form of mass incarceration, fueled by media representation and fear-peddling, and political and economic

incentives. Through the use of quotes from interviews with experts and activists, scenes from negatively influential films, and personal interviews, she challenged her audience to reexamine the narrative surrounding freedom and justice in our country. This essay analyzed DuVernay's use of evidence and storytelling techniques and strategies, to make her argument more credible and believable, with the goal of raising awareness around our criminal justice system.

Works Cited

13th. Directed by Ava DuVernay. Kandoo Films, Netflix Original, Forward Movement, 2016.