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Seeing *Saw* through the Criminological Lens: Popular Representations of Crime and Punishment

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ABSTRACT AND ARTICLE INFORMATION

Crime is a staple of the media, and violent crimes such as murder are overrepresented in both news and entertainment. Although cases of serial homicide are exceptionally rare, stories about serial killers are terrifically popular. Indeed, while the seven *Saw* feature films, recounting the crimes of serial killer John “Jigsaw” Kramer, have been derided as mere “torture porn” by some critics, they constitute the most successful horror franchise in the world. Certainly, the *Saw* franchise entertains, allowing viewers to vicariously explore their fears of the serial killer in a safe, controlled manner. The *Saw* films both inform and misinform viewers about crime and punishment—employing parasocial experiences of violent criminal events to prompt viewers to wrestle with fundamental questions of law, morality, and purpose. Viewed through lenses of crime and punishment, the *Saw* franchise offers both a critique of and commentary on crime in present society. The fictional character of John Kramer can be analyzed through real homicide typologies, and Kramer’s crimes can prompt discussion about the four cardinal philosophies of punishment: retribution, deterrence, incapacitation, and rehabilitation.

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The public is fascinated by crime. Crime figures prominently in both news (e.g., Barak, 1994; Potter & Kappeler, 2006) and entertainment media. Approximately 20% of feature films are crime films, and approximately 50% “have significant crime content” (Reiner, 2007, p. 312). Some criminals become celebrities (Duncan, 1996; Kooistra, 1989; Schmid, 2005) and enjoy an infamous species of fame (Oleson, 2003). Serial killers, in particular, have been elevated into a prominent place in society’s pantheon of criminals (Jenkins, 1994; Tithcott, 1997): “The serial killer constitutes a mythical, almost supernatural, embodiment of

American society’s deepest darkest fears” (Beckman, 2001, p. 62). Additionally,

because they have the power to make us feel alive in our benumbed “wound culture,” a strange kind of adoration is heaped upon contemporary serial killers, the monsters of our cynical age. “Our society is obsessed with serial killers,” suggests Bruno. Similarly, Hawker quips, “All the world loves a serial killer.” (Oleson, 2005b, p. 187, citations in original omitted)

Murder is entertainment, and it is also big business (Fuhrman, 2009). Society's fascination with serial killers has fueled a robust true-crime market (Egger, 1998) and created an audience for a host of crime biography documentaries. The writing of serial killers is widely available to interested readers (Brady, 2001; Philbin, 2011), and the artwork of serial killers is sought out by a vibrant market of collectors of murderabilia (Scouler, 2010). People can buy serial killer trading cards (Jones & Collier, 1993) and serial killer action figures (Schmid, 2005). The serial killer is the quintessential modern monster (Picart & Greek, 2003).

Although the names of notorious serial killers may be more familiar to the public than the names of world-renowned scientists (Oleson, 2005b), it may not be the real-life serial killer who shapes the public's view, but the fictional one: the character drawn from literature, television, and film. The influence of popular film on the public understanding of crime and criminals dwarfs that of all academic criminological scholarship (Rafter & Brown, 2011). Indeed, author Thomas Harris' fictional serial killer Dr. Hannibal "the Cannibal" Lecter was "arguably... the most publicized and recognizable personality (real or not) in America during February 1991" (Skal, 1993, p. 383, italics added). In the 1960s, serial killer films began to replace traditional horror narratives involving werewolves, aliens, or vampires (Tudor, 1989). Although these traditional supernatural horror themes have enjoyed a resurgence in recent years, serial killers remain a central focus of dramatic narratives as illustrated by the characters of Joe Carroll on the Fox network's *The Following* (Williamson & Siega, 2013) and Dexter Morgan on Showtime's *Dexter* (Cerone et al., 2006).

This paper will examine the seven serial killer films that constitute the *Saw* franchise: *Saw* (Hoffman, Burg, Koules, & Wan, 2004), *Saw II* (Hoffman, Burg, Koules, & Bousman, 2005), *Saw III* (Hoffman et al., 2006), *Saw IV* (Hoffman et al., 2007), *Saw V* (Hoffman, Burg, Koules, & Hackl, 2008), *Saw VI* (Hoffman, Burg, Koules, & Greutert, 2009), and *Saw 3D* (Hoffman, Burg, Koules, & Greutert, 2010). Released across seven years and netting approximately \$877 million USD in global receipts (Numbers, 2014), the *Saw* films are the most successful horror franchise in the world (Kit, 2010). The franchise has earned numerous critical awards, but it is the franchise's commercial success that is most noteworthy: The films have been adapted into comic books (Lieb & Oprisko, 2005), video games (Wingfield, 2007), toy and costume merchandise (NECA, 2014)—even theme park attractions (Thorpe Park, 2014). Each of the seven films currently appears in the Internet Movie Database's top 400

horror movies, as selected by the voting public (Internet Movie Database, 2014).

Created by writer Leigh Whannell and director James Wan, the *Saw* films describe the activities of serial killer John "Jigsaw" Kramer. Like other fictional serial killer protagonists—Hannibal Lecter (Harris, 1981, 1988, 1999, 2006, 2013), Dexter Morgan (Lindsay, 2004, 2005, 2007, 2009, 2010, 2011, 2013), or *Seven's* John Doe (Kopelson, Carlyle, & Fincher, 1995)—Kramer's victims are selected because they have engaged in crimes or immoral acts that have gone unpunished. Unlike Lecter and Morgan, however, Kramer does not actually want his victims to die; rather, he wants them to survive and to be "reborn" (with an understanding of their past wrongs and a new appreciation for life). His *modus operandi* involves kidnapping victims and locking them in one of his "torture warehouses." When the victims regain consciousness, audio or video tapes are played for them, outlining their transgressions and explaining the rules of their punishments. Kramer subjects his victims to "tests" or "games" that inflict extreme psychological and physical pain, often involving complex mechanical traps. If the victims die, Kramer removes a jigsaw puzzle-shaped piece of flesh from their skin, symbolizing their missing survival instincts. This trophy-taking earns Kramer the media moniker "Jigsaw." If the victims survive the tests, according to Kramer's understanding of the world, they are instantly rehabilitated.

The *Saw* films have been dismissed as derivative facsimiles of other—superior—serial killer films (Gleiberman, 2004), and they have been denounced by Edelstein (2006) and others as mere "torture porn" – movies in the same vein as *The Devil's Rejects* (Elliot, Gould, Mehlitz, Ohoven, & Zombie, 2005), the *Hostel* trilogy (Briggs, Fleiss, & Spiegel, 2011; Roth, 2005; Spiegel, Yakin, Fleiss, Tarantino, & Roth, 2007), or *Wolf Creek* (Lightfoot & Mclean, 2005). But other scholars have identified meaningful elements in the *Saw* films and have produced a modest body of scholarship on these works (e.g., Aston & Walliss, 2013; Fore, 2009; Huntley, 2009; Jones, 2010). The extant scholarship on *Saw* has adopted a media studies perspective, but the *Saw* franchise also can be studied through a criminological lens, as has been done with the Hannibal Lecter franchise (Oleson, 2005a, 2005b, 2006a, 2006b). For example, analysis of the character of John Kramer can reveal to what extent film depictions do—or do not—accurately depict the realities of crime and criminals (Leistedt & Linkowski, 2014; Oleson, 2005b), and Jigsaw's crimes can be employed as a lens to understand traditional theories of punishment.

This article is organized in four parts. Part one examines the linkages between crime and popular culture and discusses some of their implications for society. Part two analyzes the crimes of John “Jigsaw” Kramer using several serial killer typologies. Part three analyzes the crimes of *Saw* films, employing traditional theories of punishment. Finally, part four analyzes the social functions of the *Saw* series.

Crime and the Media

Popular films entertain, but they also influence audience beliefs and attitudes. Like representations on television, film portrayals communicate a great deal to audiences “about social norms and relationships, about goals and means, about winners and losers, about the risks of life and the price for transgressions of society’s rules” (Gerbner & Gross, 1976, p. 178). Crime films simultaneously “allow viewers to experience the vicarious thrills of criminal behavior while leaving them free to condemn this behavior, whoever is practicing it, as immoral” (Leitch, 2002, p. 06). These “parasocial experiences” (Giles, 2002) allow audiences to vicariously learn about crime and punishment. In *Shots in the Mirror*, Rafter notes that crime films provide viewers with rich material that can be used to “interpret the world and develop our meaning systems ... in the construction of personal identity and in bridging the gap between ourselves and our social situations” (2006, p. 14).

On the other hand, films often misrepresent the reality of what they purport to display. For example, in their analysis of 400 feature films, Leistedt and Linkowski (2014) found that cinematic depictions of psychopaths usually deviated from clinical realities. Similarly, Surette (2015) describes the distortion of crime and punishment. While violent crime and predator criminals are statistically rare, they constitute a staple of the popular media: “Whatever the truth about crime and the criminal justice system in America, the entertainment, news, and infotainment media seem determined to project the opposite” (Surette, 2015, p. 205). This is important, since audiences who view inaccurate representations of crime can be influenced and adopt social attitudes that are not grounded in reality. Individuals may misunderstand the workings of the criminal justice system, have reduced empathy towards certain types of victims, and learn harmful stereotypes about offenders. Such portrayals of violence can increase social fear of crime (Heath & Gilbert, 1996) and increase punitive attitudes as a means to mediate anxiety (Cheliotis, 2010; Mason, 2006). Thus, audience members who are frightened by the

spectacle of *Saw* may become more supportive of punitive legislation (e.g., Pratt, 2007), increasingly willing to incarcerate more people, for longer periods of time, under penal conditions that may strain the very boundaries of human endurance (e.g., Haney, 2006).

Of course, not all audience members will react to the *Saw* films in the same way. For some viewers, *Saw* might evoke shock and wonder, instead of fear. In this case, the *Saw* films might reinforce moral and social norms in society. This is reminiscent of Emile Durkheim’s functional view of crime and punishment. Crime, in Durkheim’s view, is necessary for society to evolve:

According to Athenian law, Socrates was a criminal, and his condemnation was no more than just. However, his crime, namely the independence of his thought ... served to prepare a new morality and faith which the Athenians needed since the traditions by which they had lived until then were no longer in harmony with the current conditions of life. (Durkheim, 1895/1958, p. 71)

In Durkheim’s view, punishment is functional, as well; it restores normative equilibrium within the community. Through punishment, a criminal who has victimized the community through his offense, is in turn punished—made victim—and moral equilibrium is thereby restored. Punishments safeguard the public order. Members of the community are reassured of their safety and in seeing the offender punished for his crimes, are reassured that they were doing the right thing by following the laws (Durkheim, 1895/1958). Similarly, viewing the fictional crimes of John “Jigsaw” Kramer (as well as the otherwise-unpunished crimes of Kramer’s victims), *Saw* viewers may find their moral intuitions reaffirmed. The *Saw* films might enhance social solidarity, confirm ideals of good and evil, and help define the outer bounds of acceptable behavior.

In addition to driving penal populism or reinforcing social solidarity, the *Saw* films mirror society. After all, some crime movies are inspired by real offenders and real criminal events. Art imitates life. For example, both the original (Brooks, 1967) and the remake (Rowe & Kaplan, 1996) of *In Cold Blood* were based on the brutal 1959 killing of the Clutter family in Holcomb, Kansas, as recounted by Truman Capote (1966). The character of Dr. Hannibal Lecter, portrayed in *Manhunter* (Roth & Mann, 1986), *The Silence of the Lambs* (Utt, Saxon, Bozman, & Demme, 1991), *Hannibal* (Scott, Laurentiis, & Laurentiis, 2001), *Red Dragon*

(Laurentiis, Laurentiis, & Ratner, 2002), and *Hannibal Rising* (Laurentiis, Laurentiis, Ammar, & Webber, 2007), was based principally upon one “Dr. Salazar,” an imprisoned Mexican physician (Harris, 2013). The 1924 murder of Bobby Franks by genius aristocrats Nathan Leopold and Richard Loeb (Higdon, 1999) has been made into three feature films: *Compulsion* (Zanuck & Fleischer, 1959), *Rope* (Hitchcock & Bernstein, 1948), and *Swoon* (Vachon & Kalin, 1992). It may have also influenced both iterations of *Funny Games* (Heiduschka & Haneke, 1997; McAlpine et al., 2007). The 1958 real-life murder spree of Charles Starkweather and his girlfriend Caril Ann Fugate inspired the film, *Badlands* (Malick, 1973). Although the writers of the *Saw* franchise have never identified their inspiration for John “Jigsaw” Kramer, there are compelling parallels between the character and the real-life “Toy-Box Killer” David Parker Ray.

Ray was apprehended in 1999 for the kidnapping, rape, torture, and murder of as many as 60 women (Fielder, 2003). Like Kramer, Ray constructed his own torture chamber, equipped with special pain-inflicting instruments, and—like Kramer—Ray used tape recorded messages to communicate with his victims when they regained consciousness. Police also found Ray’s detailed drawings of torture devices, akin to those that Kramer employed in his torture warehouse. Furthermore, Ray operated with accomplices, just as Kramer has “apprentices.” Finally and coincidentally, Ray’s crimes were committed in the town of Truth or Consequences, New Mexico. Truth or Consequences echoes the principles of truth and consequence that motivate John “Jigsaw” Kramer’s traps and tests. Specifically, Kramer selects victims who refuse to tell the truth, and he employs punishments that mirror his victims’ offenses so that they might understand the consequences of their actions.

Sometimes, in what might be characterized as a “strange loop” (Hofstadter, 1999), fictionalized representations of crime drawn from life can inspire a second generation of copycat crime. Life imitates art. For example, *Natural Born Killers* (Hamsher, Murphy, Townsend, & Stone, 1994) draws upon the Starkweather and Fugate killings. This movie, recounting the story of fictional lovers, Mickey and Mallory Knox, and satirizing the media for its celebration of crime, has been linked to at least fourteen real-life killings (Ruddock, 2001). Copycat crime is uncommon, but it is not unheard of. In one study, Surette (2002) found that more than a quarter (26.5%) of a sample of 68 incarcerated serious and violent juvenile offenders reported committing a copycat offence (i.e., answered yes to the question, “Can you recall ever having tried to commit the same

crime that you had seen, read, or heard about in the media?”). The *Saw* franchise has been implicated in copycat violence as well. In the U.K., 15-year-old Daniel Bartlam killed his mother with a claw hammer shortly after watching *Saw* (Dolan & Reilly, 2012).

John Kramer the Offender: Serial Killer Typologies

Film characters are especially compelling when they present audiences with an enigma, a paradox, or a puzzle to be solved (Oleson, 2005b). In particular, the presence of incomplete or incongruous pieces of information may lead to a state of “kennetic strain” (Sarbin, 1972) and—as in the resolution of metaphor (Brownell, Simpson, Bihrlle, Potter, & Gardner, 1990) or humor (Johnson, 1990)—require the viewer to actively engage the material in order to make sense of it. Kennetic strain may help to explain the allure of John “Jigsaw” Kramer. He is, after all, a serial killer who wants his victims to live and who does not kill his victims directly, but only through the construction of tests and games. In *Saw*, one of the characters remarks, “Technically speaking, he’s not really a murderer—he never killed anyone. He finds ways for his victims to kill themselves” (Hoffman et al., 2004, 17:44). Of course, this distinction is not legally meaningful. When Jigsaw affixes a “reverse bear trap mask” onto a victim, his knowledge of a serious risk of death is criminally culpable. His subjective hope that his victim will pass the test and survive is legally irrelevant. The combination of Kramer’s attaching the trap (a criminal action) and his knowledge of a serious risk of death (a criminal state of mind) is sufficient to constitute murder (Dressler, 2012).

Murder, the unlawful killing of another human being with “malice aforethought,” is sometimes classified by number and the presence or absence of cool-down periods. The Federal Bureau of Investigation (FBI) distinguishes five different categories: a single homicide involves one victim in one homicidal event, a double homicide involves two victims in one homicidal event, and a triple homicide involves three victims in one homicidal event. Four or more victims killed during a single homicidal event constitute a mass homicide. A spree murder involves two or more victims in two or more locations without a cooling-off period, while serial murder involves three or more separate homicidal events with cooling-off periods between events (Douglas, Ressler, Burgess, & Hartman, 1986). While Egger (1998) suggests that a second murder is sufficient to qualify as serial murder, Fox and Levin (1998) suggest that the threshold for “serial murder” should be four victims. Jenkins (1994) also identifies four as a minimum threshold. Hickey summarizes the

literature by writing, “Most researchers agree that serial killers have a minimum of 3–4 victims” (1991, p. 8). Under any of these definitions, the character of John “Jigsaw” Kramer is a serial killer. After seven films, Kramer is responsible for the deaths of 52 people. If Kramer were a real offender, his death toll would far exceed the 7–11 average victims attributed to identified serial killers (Hickey, 1991).

As a serial killer, John “Jigsaw” Kramer can be further categorized using two additional typologies. First, under the FBI’s organized/disorganized dichotomy (Ressler, Burgess, Douglas, Hartman, & D’Agostino, 1986), Kramer neatly fits the paradigm of the organized offender. According to the FBI (1985), organized offenders typically exhibit 14 characteristics: (1) average to above-average intelligence, (2) social competence, (3) preference for skilled work, (4) sexual competence, (5) high birth order status, (6) father had stable work, (7) inconsistent childhood discipline, (8) controlled mood during crimes, (9) use of alcohol during crimes, (10) precipitating situational stress, (11) living with a partner, (12) mobility with a car in good condition, (13) follows crime in news media, and (14) may change jobs or leave town after commission of crimes. John “Jigsaw” Kramer fits most of these categories. As a former civil engineer, he is both intelligent and methodical. Belinkie describes him as “possessing a nearly superhuman intellect” (2010, para. 33). Kramer intricately plans the deaths of his carefully-selected victims, drawing figures of intricate mechanical traps and constructing models to test them. His crimes exhibit planning, intelligence, and logic. Kramer is socially competent and actually attracts followers (“apprentices”). He maintains a controlled mood during his crimes, is mobile, and follows the media coverage of the Jigsaw crimes.

Holmes and DeBurger’s (1988) identified four categories of serial killers: (1) visionary types who kill because they are commanded to do so by voices or visions; (2) mission-oriented types who kill because they believe it is their duty to eliminate certain classes of undesirable people from society; (3) hedonistic types who derive satisfaction from killing (including thrill-oriented, comfort-oriented, and lust-oriented sub-types); and (4) control-oriented types who kill to assert power and dominion over others. Under this taxonomy, Kramer is a mission-oriented killer. He believes that he is cleansing society of two undesirable groups. First, people who are guilty of crimes for which they have been neither caught nor punished. In Kramer’s mind, he is doing society a favor by succeeding where the criminal justice system has failed. He assumes responsibility for apprehending, punishing, and either rehabilitating or incapacitating those who violate the social contract

(c.f., Hobbes, 1651/1991; Rousseau, 1762/1997). In *Saw V* (Hoffman et al., 2008), Kramer illustrates his mission-oriented status when he tells an apprentice who has just killed someone, “You and I both know the statistics for repeat offenders in this city...so you might look at what you did...as a kind of public service” (Hoffman et al., 2009, 45:44). The second group that Kramer seeks to eliminate from society is those who lack the instinct for survival. For Kramer, this is an essential human element. In the first *Saw* film (Hoffman et al., 2004), after Kramer was diagnosed with an inoperable brain tumor, he attempted suicide by driving off a cliff. The man who crawled from the wreckage was changed, and cherished life. In *Saw II*, Kramer explains, “Darwin’s theory of evolution and survival of the fittest...no longer applies on this planet. We have a human race that doesn’t have the edge or the will to survive” (Hoffman et al., 2005, 43:14). The mission to dispense vigilante justice and the mission to cull those without the will to live converge in Kramer’s mind: In *Saw V*, he explains, “You can dispense justice and give people a chance to value their lives in the same moment” (Hoffman et al., 2008, 45:11). Kramer’s mission-oriented killings are designed to ensure a society in which there is justice for crime, value for life, and a universal human determination to survive. Kramer’s crimes are attempts to achieve these three goals through the mechanism of punishment.

John Kramer the Punisher: Theories of Punishment

Some theorists suggest that punishment serves an expressive function (e.g., Feinberg, 1965), but most commentators agree that there are four “cardinal philosophies of punishment—retribution, deterrence, incapacitation, and rehabilitation” (Oleson, 2011, p. 696). Through his series of elaborate traps and tests, John “Jigsaw” Kramer subjects his victims to harrowing experiences that draw upon all four bases of punishment.

Retribution (or “just deserts”) is a deontological, non-consequentialist form of punishment (Oleson, 2007). Thus, retributivism is neither justified by the advantages it produces for society, nor does it attempt to reduce the number of future crimes; rather, retributivism punishes crimes that have already taken place, and it punishes them because it is morally correct to do so. Under some formulations of retributivism, society has an affirmative moral duty to punish the criminal. For example, Immanuel Kant (1796/1887) famously wrote that,

Even if a Civil Society resolved to dissolve itself with the consent of all its members—as might be supposed in the case of a People inhabiting an island resolving to separate and scatter themselves throughout the whole world—the last Murderer lying in the prison ought to be executed before the resolution was carried out. This ought to be done in order that every one may realize the desert of his deeds, and that blood guiltiness may not remain upon the people; for otherwise they might all be regarded as participators in the murder as a public violation of Justice. (p. 198)

As a mission-oriented killer, John “Jigsaw” Kramer may be compelled by retributive duty of this kind. Belinkie (2010) relates Kramer’s traps to medieval purification rituals, designed to cleanse victims of their sins and grant them redemption through suffering.

Retributivism rests upon a foundation of fairness. Employing an elegant logical twist, the philosopher Georg Hegel explained that when a criminal violates the law, his crime is the negation of the right of society. Punishment, however, is the negation of that negation, and thus an affirmation of right, solicited and brought upon the criminal by himself (Ezorsky, 1972). This idea of an inflicted harm to redress an unfair advantage is central to retributivism and is closely related to the doctrine of *lex talionis*, the principle that the punishment should be identical to the offense (“an eye for an eye”). Reminiscent of *lex talionis*, many of Kramer’s tests are designed to punish his victims in ways that explicitly echo or mirror their crimes. For example, in *Saw II*, one of Kramer’s victims is told that he has “burned those around you with your lies, cons, and deceits” (Hoffman et al., 2005, 36:48). His test is to retrieve an antidote for nerve gas from the back of a furnace, but when the furnace door locks, a fire ignites and he burns to death. Although Kramer’s tests and games frequently symbolize the crimes that are being punished, his punishments are often disproportionately severe. Proportionality in punishment is one of the key principles of any rational system of penalties (Bentham, 1948), and Kramer’s excesses suggest that he may be more concerned with eliminating wrongdoers who lack a survival instinct than with imposing proportional harms to social wrongs.

The *Saw* films also imply that deterrence plays a role in Kramer’s punishments. Unlike retributivism, which is non-consequentialist, retrospective, and intrinsicist in nature, deterrence-based punishments are consequentialist (utilitarian), prospective, and

instrumentalist. In Plato’s *Protagoras* (1963), he noted that authorities do not punish a man for past wrongs unless they are wreaking blind vengeance; rather, rational men inflict punishment to prevent future offending. Cesare Beccaria shared this view. In *On Crimes and Punishments* (1764/1963), Beccaria argued that the end of punishment is to prevent the criminal from inflicting additional harm and to prevent others from committing like offenses.

Kramer makes use of both specific and general deterrence. The theory of specific deterrence suggests that if an offender commits a crime and is punished for it, the experience of punishment will make the offender less likely to reoffend in the future. The theory of general deterrence suggests that the lessons of punishment are learned vicariously – it is not only the punished offender who is less likely to offend, but everyone who knows of the punishment. Empirical research has demonstrated modest deterrent effects (Pratt, Cullen, Blevins, Daigle, & Madensen, 2009), but Paternoster cautions that faith in deterrence must be tempered with “a healthy dose of caution and skepticism” (2010, p. 765). Although certainty of police apprehension appears to exercise a strong deterrent effect, the severity of the punishment appears to have little influence on offending (Nagin, 2013). Members of the public often dramatically underestimate the severity of punishments (Hough & Roberts, 1998). In fact, some evidence suggests that the experience of prison (specific deterrence) may be criminogenic (Cullen, Jonson, & Nagin, 2011; Spohn & Holleran, 2002), affirmatively increasing recidivism. More than half (approximately 67.5%) of those who are released from U.S. state prison custody are rearrested for a new offense within three years, and approximately 51.8% are returned to prison (Langan & Levin, 2002). The evidence for general deterrence fares little better. Even the ultimate penalty (death) may not deter crimes (Radelet & Lacock, 2009). Although Ehrlich (1975) calculated that each U.S. execution prevented (deterred) approximately eight murders, the economic literature on the deterrent effect of capital punishment is highly contentious (Fagan, 2006). Through modest manipulations of the analytical techniques, Donohue and Wolfers (2006) used a data set to produce highly variable results, ranging from 429 lives saved per execution to 86 lives lost! Indeed, most deterrence research suggests that it is not the severity of punishment that deters, but its celerity and its certainty (Nagin & Pogarsky, 2001; von Hirsch, Bottoms, Burney, & Wikstrom, 1999).

Kramer’s philosophy of punishment is based on utilitarian ideals, as exemplified in the function of his traps. Kramer’s traps are multifunctional; while they test an individual’s will to survive, they also require

participants to recognize their obligations to other persons. For example, Kramer's group trap requires the "fatal five," a group of five seemingly unrelated victims, to cooperate. Ignoring Kramer's clue as to the altruistic nature of the tests, three of the players are killed. When only two survivors remain, they finally understand their connection: collectively, the members of the fatal five were responsible for the deaths of innocent people in a fire. The two survivors also realize that the deaths of the others were unnecessary: Jigsaw's traps had been designed so that each of the five could survive if they worked together. For example, in the final trap, ten pints of blood are required to win; if five players had lived, they would have each sacrificed only two pints; instead, the two survivors must each sacrifice five pints of blood – half of the blood in their bodies.

John Kramer employs both general and specific deterrence in his games of punishment. In *Saw* (Hoffman et al., 2004), images of newspaper articles with headlines reading "Psychopath Teaches Sick Life Lessons" and "Victim Survived Maniac's Game" demonstrate significant media attention to the Jigsaw crimes. Accordingly, under a theory of general deterrence, newspaper readers should be deterred from the behaviors that Kramer punishes. Knowledge that a vigilante killer is at large and administering "sick life lessons" should, theoretically, deter criminal conduct. Similarly, under the theory of specific deterrence, survivors of Kramer's traps should be less likely to commit further crimes. But Kramer's punishments do not deter effectively: Although his games are severe, they are neither proportionate, nor swift, nor certain. Consequently, although Kramer threatens offenders with the ultimate penalty of death, even this threat cannot deter all offenders. It does not even deter all those who experience his traps: For example, after surviving Kramer's tests in *Saw* (Hoffman et al., 2004), drug addict Amanda Young recidivates. She does not use drugs, but she does return to crime. In *Saw II* (Hoffman et al., 2005), she joins forces with Jigsaw, and becomes a sadistic punisher. The infliction of suffering becomes her new drug.

John Kramer also employs techniques of incapacitation. Like deterrence, the incapacitative theory of punishment is consequentialist (utilitarian), prospective, and instrumentalist. Incapacitation can involve spatially removing the offender from society (e.g., prison) and/or physically eliminating the capacity to offend (e.g., cutting off the hand of a thief or chemically castrating a sex offender to blunt the sex drive). Death is the ultimate incapacitant: It eliminates all possibility of recidivism (McCord, 1998). John Kramer's tests incapacitate his victims in two ways. First, as soon as they are kidnapped and

imprisoned in Kramer's torture warehouse, they are removed from the general population, and no longer able to engage in their crimes. From the moment they are seized, Jigsaw's victims are incapacitated (at least vis-à-vis the general population). Of course, just as incapacitated prisoners can offend against other prisoners, Kramer's victims can turn against one another. In *Saw V* (Hoffman et al., 2008), his victims are tested on this basis: In order to survive, they must cooperate. Kramer also uses incapacitation in a second way: Victims who do not demonstrate the will and resilience to escape his traps are killed. Just as pioneering criminologist Raffaele Garofalo (1968) suggested that criminals lacked the fundamental human quality of altruism, viewing their deaths as enhancing society's survival (Barnes, 1930), so, too, John Kramer understands the death of unsuccessful victims as a means of increasing the continuing viability of the human gene pool. Although Kramer considers the act of killing "distasteful" (Hoffman et al., 2008, 46:11), he does not regret culling from society those individuals who lack an instinct to survive.

Although John Kramer's treatment of his victims invokes diverse elements of retribution, deterrence, and incapacitation, his traps, tests, and games are related ultimately to the theme of rehabilitation. Rehabilitation—along with deterrence and incapacitation—is consequentialist, prospective, and instrumentalist in its orientation: "If people commit crimes because of inherent defects, one straightforward way to reduce future crime is to simply correct the defect, regardless of whether the defect is physical (e.g., a chemical imbalance), psychological (e.g., criminal thinking patterns), or social (e.g., association with criminal peers)" (Oleson, 2007, p. 365). Based on notions of crime-as-disease, rehabilitation involves treating an offender to restore him or her to a state of non-criminal social health. Meta-analyses suggest that rehabilitation works (e.g., Andrews, et al., 1990; Dowden & Andrews, 1999; Manchak & Cullen, 2015). John Kramer believes that, after kidnapping and confronting his victims with the moral consequences of their wrongdoing (elements of retribution), his devices and tests force victims to choose—and to choose immediately—between death (incapacitation) and rehabilitation. In *Saw V*, Kramer explains, "[T]here is a better, more efficient, way [than killing] It's a different method that I'm talking about. If a subject survives my method, he is instantly rehabilitated" (Hoffman et al., 2008, 46:21). Some of Kramer's victims share his vision of the experience. For example, Amanda Young, a self-harming drug addict who survives a potentially lethal test in *Saw* (Hoffman et al., 2004), describes her ordeal in the

language of a therapeutic intervention. She says, “My life was saved that day” (Hoffman et al., 2005, 1:26:13). Kramer cites the conversion of Amanda Young as proof that his method works. But Kramer does not see Young’s life as saved; rather, he sees it as reclaimed. In explaining her challenge, Kramer characterizes it as a rebirth: “You must meet death in order to be reborn” (Hoffman et al., 2005, 1:26:25).

In *Saw II* (Hoffman et al., 2005), however, Kramer’s method is cast into question, as it is revealed that Amanda Young has returned to her old habits. She is a recidivist. For her new offenses, she is punished again; again, she survives Kramer’s testing. Yet even after two rounds of Kramer’s short, sharp, shocking treatments, Young remains unrehabilitated. In *Saw III*, she states, “It’s bullshit. Nobody changes. It’s all a lie.... Nobody is reborn” (Hoffman et al., 2006, 1:37:56). The unfulfilled promise of Amanda Young epitomizes the flaws of rehabilitative theory in the wider field of corrections. While from the 1940s into the 1970s, many experts believed that crime was a social problem that could be successfully treated, Robert Martinson’s (1974) article, “What Works? - Questions and Answers about Prison Reform” precipitated the wholesale rejection of rehabilitation as a legitimate basis of punishment in the United States. Rehabilitation very nearly died (Cullen, 2005), and in its place, a retributivist penology emerged and dominated for decades (Pillsbury, 1989). Determinate sentencing replaced indeterminate systems of parole, sentence lengths increased, and prison populations soared. According to the Pew Center on the States (2009), when the populations from jails, probation, and parole systems are added to the 1.5 million people in U.S. prisons, the number of people under U.S. correctional control increases to more than 7.3 million (or 1 in 31 people). Only in recent years has genuine interest in rehabilitation reemerged within mainstream policy circles, in the form of offender reentry (e.g., Petersilia, 2003).

The creators of the *Saw* films may not have intended to create a franchise that recapitulates the larger penological debates of the late twentieth century, but that is what they produced. John “Jigsaw” Kramer’s mission-oriented killings are represented in the films as acts of punishment, and it is therefore hardly surprising that his actions should reflect macro-sociological debates about the appropriate forms of punishment: retribution, deterrence, incapacitation, and rehabilitation.

The Social Functions of the *Saw* Franchise

As the most successful horror franchise in the world (Kit, 2010), the *Saw* films obviously resonate

with audiences, providing them with thrills and narratives about a serial killer who does not want to see his victims die, but the series may do more than provide an escape from the ennui of viewers’ daily existence. In addition to entertaining, the *Saw* films inform. Of course, the *Saw* films distort the very phenomenon of serial murder that they depict (c.f., Surette, 2015), but while John “Jigsaw” Kramer possesses a constellation of characteristics unlikely to co-occur in real offenders, his crimes do resemble those of known offender David Parker Ray (Fielder, 2003). The films reveal the inner workings of a serial killer to viewers, including his origins, his motives, and his modus operandi. Similarly, through watching Kramer’s acts of punishment, viewers of *Saw* can glean something about retribution, deterrence, incapacitation, and—especially—rehabilitation. Unwittingly, viewers might even emerge from the theater with a sense of the penological debates about rehabilitation and retributivism. Thus, while the *Saw* franchise distorts the phenomenon of serial homicide, it exposes viewers to elements of crime, punishment, and conceptions of justice.

Morality tales are an ancient teaching device to help society discern between right and wrong. Classics include Aesop’s fables (Gibbs, 2008) and Grimm’s fairy tales (Hunt, 1944). Like the *Saw* franchise, these classics were often scary and gruesome, but as Patton (2013) notes, it is precisely their grisly imagery that made them so memorable. The *Saw* franchise operates as a contemporary morality tale: the moral is not to become a vigilante and do as Kramer did, but to cherish one’s life and those of others: “The movies put both their fictional subjects and their real-life viewers in uncomfortable situations in order to teach morality, but if the traps become real and people died in them, the value of the good messages would be lost” (Patton, 2013, p. 82). On the films and morality, Gregg Hoffman, one of the producers observed, “That’s one of the things that attracted us to the film immediately, that it was trying to say something and it did have a theme, that it did have a moral message despite...the smears of blood throughout the bathroom and everywhere else” (“Hacking Away at *Saw*,” 2005). The *Saw* films establish a celluloid universe in which notions of good and evil, crime and punishment, justice and redemption can be explored by viewers.

Some commentators suggest that *Saw* (and other films like it) afford audience members a safe environment to confront and explore their fears (e.g., Apter, 1992). Although it may be dangerous—quite possibly lethal—to meet a serial killer in real life, it is possible for the audience member viewing the *Saw* films to safely witness—even to vicariously engage with—a killer known to be responsible for the deaths

of 52 people. Seeing John Kramer at work, the audience member might feel some of the fear and terror that a real encounter with a serial killer would trigger, but he or she can walk away from the theater unscathed (Rafter, 2006). This experience of catharsis may allow viewers to exercise control over their fears and to experience feelings of satisfaction when John Kramer's vigilante killings mete out a kind of justice that seems to elude the American criminal justice system (Exline, Worthington, Hill, & McCullough, 2003).

Of course, it is precisely this ability to safely indulge in cinematic experiences of screen violence, vicarious torture, and simulated death that so alarms the critics of "torture porn" (e.g., Edelstein, 2006). In *On Photography* (1977) and *Regarding the Pain of Others* (2003), Susan Sontag argues that the proliferation of images—especially difficult images, such as war photographs—cheapen underlying experiences, desensitize viewers, and inhibit the willingness of viewers to act in the face of real atrocity. Viewing the *Saw* films might fatigue the compassion of audience members; if confronted with real violence, real murders, and real death, they may equate it with the film representation and fail to feel the horror of real experience. Although the empirical research on exposure to media violence and desensitization is contested and equivocal, some researchers have reported a significant association between the viewing of violent content and physiological desensitization (Krahé, et al., 2011). Other commentators, however, argue that media images invigorate. They suggest that photographs are "so valuable: by refusing to tell us what to feel, and allowing us to feel things we don't quite understand, they make us dig, and even think, a little deeper" (Linfield, 2010, p. 30). In this view, the *Saw* films might enrich the experience of audience members, allowing audience members to appreciate violence and murder at a deeper level. Furthermore, the films may reinforce prevailing norms and enhance social solidarity in the manner suggested by Durkheim (1895/1958). After all, Kramer operates as an avenging angel, persecuting those who have transgressed and taking the lives of those who do not value them. Kramer does not want to kill his victims; rather, he wants to redeem them. Audience members may interpret *Saw* as a vindication of existing social values, a condemnation of crime and immorality, and a collective affirmation of the belief that wrongdoing does not go unpunished.

Finally, the *Saw* films might also provide audiences with a modern expression of an ancient ceremony: human sacrifice (Pizzato, 2005). They

might allow anomic, heterogeneous audiences to engage in a shared understanding about the nature of justice and the corrective of punishment (Oleson, 2015). For most of human history, punishment was corporal, brutal, and public: "[P]reindustrial people were familiar with the existence of public executions. These were part of life for them and on the whole were not considered as objectionable" (Spierenburg, 1984, p. 87). Justice was enacted as a public spectacle, in a theatre of vengeance and redemption (Madow, 1995). Through these rituals, the offender was publicly transformed from a citizen into a criminal and was denounced for his or her transgressions. Following the logic of Hegel (Ezorsky, 1972), the criminal (who victimized the community through his or her offense) was in turn punished—made victim—and moral equilibrium was thereby restored. Public punishments safeguarded the public order. Members of the community were reassured of their safety and in seeing the offender punished for his or her crimes, were reassured that they were doing the right thing by following the laws (Durkheim, 1895/1958). In cases of non-lethal punishment (e.g., flogging or the pillory), the ritual of public punishment allowed for the possibility of redemption and reintegration (e.g., Braithwaite, 1989).

In the early 1800s, however, criminal executions began to be sequestered, occluded from the public gaze. By the end of the twentieth century, through the removal of executions from the public sphere and the introduction of new techniques such as the electric chair, condemned criminals were transformed from "the central actor in a public theatre of justice" to "simply the object of medico-bureaucratic technique" (Madow, 1995, p. 466). The media devotes a great deal of attention to crime (Reiner, 2007; Surette, 2015), but it focuses on the front end of the criminal justice system (e.g. victims and arrests) and devotes little attention to issues of punishment (Katz, 1987). To the extent that earlier public displays of punishment had operated as cathartic rituals (Duncan, 1996), providing moral instruction and affirming social solidarity (Durkheim, 1895/1958), the removal of these displays created a moral vacuum. In films such as *Saw*, however, audiences are able to witness the apprehension and execution of guilty offenders; they can see the redemption of worthy survivors, creating new meaning for what Madow calls the "public theatre of justice" (1995, p. 466). Thus, the *Saw* films may provide audiences with an experience of vicarious punishment that affirms notions of right and wrong, reinforces conventional mores and norms, and cements social solidarity (Oleson, 2015).

Conclusion

Revolving around the crimes of fictional serial killer John “Jigsaw” Kramer, the *Saw* franchise has been enormously successful. In addition to generating box office revenue and merchandising, the seven *Saw* films have even spawned theme park attractions (Thorpe Park, 2014). Indeed, *Saw* has been named the most commercially successful horror franchise in the world (Kit, 2010). The public’s fascination with *Saw* may say as much about the public as it does about the films. Indeed, study of the series might reveal something about the kind of society that both produces serial killers and that remains transfixed by them. Although some critics (e.g., Edelstein, 2006) have denounced the *Saw* films as mere “torture porn,” the franchise does far more than titillate audiences’ sadistic impulses with glib dialogue, lethal traps, and sadism. The franchise does so in at least four ways. First, in addition to entertaining, the *Saw* films breathe life into taxonomies of serial homicide, revealing John “Jigsaw” Kramer as an organized, mission-oriented (Holmes & DeBurger, 1986) serial killer who is responsible for the deaths of 52 persons. Although Kramer is a fictional figure, in several respects, he resembles the real-life offender David Parker Ray (Fielder, 2003). The *Saw* films simultaneously inform and disinform, shaping the public’s vision of the serial killer. They present some elements of serial homicide that correspond faithfully to criminological research, but they distort other elements (c.f., Oleson, 2005b). Second, the *Saw* films also illustrate the cardinal bases of punishment: retribution, deterrence, incapacitation, and—particularly—rehabilitation. Kramer’s traps are designed to immediately rehabilitate those who survive them, instilling survivors with a newfound capacity to cherish their lives. Although the *Saw* films present a distorted view of crime and punishment, they have meaningful roots in criminal justice theories of crime and punishment (Oleson, 2007). Third, the *Saw* films operate as contemporary morality plays, illustrating normative concepts of good, evil, virtue, and responsibility (Patton, 2013). Film villains are effective mechanisms for such matters:

Film provides an opportunity for dialogue; in that sense, it has always been an interactive medium. If David Lynch or Martin Scorsese displays the human face of evil in Frank or Max Cady, that is only half of the conversation. The other half is ours. It’s our responsibility to mull over our feelings about these characters, understand

them (or not) and, in the process, define our own moral boundaries. (Hinson, 1993)

Fourth and finally, the *Saw* films shape public attitudes. Because popular representations disproportionately shape public understandings of crime and punishment (Rafter & Brown, 2011), crime films in general (and the popular *Saw* franchise, in particular) have the potential to influence public attitudes. Cinematic portrayals of violence can increase the fear of crime (Heath & Gilbert, 1996) and thus fuel penal populism to mediate anxiety (Cheliotis, 2010; Mason, 2006). Crime films are therefore important objects of criminological study (Frauley, 2011; Rafter, 2006). While the *Saw* franchise’s representations of vigilantism and serial murder could desensitize viewers to violence, sadism, and torture (Krahé et al., 2011; Sontag, 1977, 2003), the films—alternatively—could prompt viewers to think more deeply about pain, justice, and suffering (Linfield, 2010). The *Saw* films have precipitated copycat violence (Dolan & Reilly, 2012), but they can also operate as a vicarious form of public punishment (Pizzato, 2005), reinforcing social solidarity (Durkehim, 1958; Oleson, 2015) and strengthening prevailing norms. A careful examination of *Saw* might increase our understanding of the mechanisms through which popular film shape attitudes, beliefs, and behaviors related to crime and punishment.

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First, criminological research intimates that crime will concentrate where the routine movements of targets and offenders overlap. Second, criminologists suggest that the source of these movements can be legitimate activities unrelated to crime. Third, spatial and temporal variations in crime rates can be explained by examining fluctuations in the supply and movement of offenders, victims, and guardians as a function of their everyday routine activities (Sidebottom and Wortley, 2016, p. 162).¹ General deterrence seeks to prevent crime among the general population through the public awareness of both crimes and punishments. Specific deterrence seeks to prevent crime committed by those individuals who have already committed a previous offense. Download now. SaveSave Seeing Crime and Punishment Through a Sociological For Later. 0 ratings0% found this document useful (0 votes). 3 views37 pages. Seeing Crime and Punishment Through a Sociological Lens_ Contribu. Uploaded by. tesya.² For more information, please contact unbound@law.uchicago.edu. Seeing Crime and Punishment Through a Sociological Lens: Contributions, Practices, and the Futue A Conversation with Calvin Morill, John Hagan tt BernardE. Harcourtttt and Tracey Mearettt t*. There is a rich intellectual history to the sociological study of. Crime and Punishment is a novel by the Russian author Fyodor Dostoevsky. It was first published in the literary journal The Russian Messenger in twelve monthly installments during 1866. It was later published in a single volume. It is the second of Dostoevsky's full-length novels following his return from ten years of exile in Siberia. Crime and Punishment is considered the first great novel of his "mature" period of writing. The novel is often cited as one of the supreme achievements in literature. Punishments imposed on criminals are said to be arbitrary, irrational, cruel and barbaric. Cases: Salem Witch Trials (1692-1693) ³ in Colonial Massachusetts, USA. Legislation: The Witchcraft Act, Cap.⁴ In 1764, Cesare Beccaria (An Essay on Crimes and Punishments) set forth classical criminological theory. Branches: Rational Choice Theory, Neoclassical Theory, Utilitarianism Theory, Routine Activities Theory, [3] and Deterrence Theory. Idea: the theory is based on the assumption that people exercise free will, and are thus completely responsible for their actions.⁵ ⁶ Crime may be controlled through the fear of punishment. ⁷ Punishment works best when perceived to be: severe, certain, & swift.