



Araştırma Makalesi / Research Article

LAW AND JUSTICE IN CINEMA: AN ANALYSIS OF HESITATION WOUND

Özlem ÖZGÜR^{1*}
Enderhan KARAKOÇ²

Abstract

Among the prominent directors of the recent New Turkish Cinema, Selman Nacar stands out with his background in both law and film studies. His 2023 film *Hesitation Wound* (*Tereeddüt Çizgisi*) presents a nuanced narrative centered on an attorney's ethical responsibility and moral dilemmas within the legal system. This study thematically analyzes the concepts of ethical responsibility, the pursuit of justice and witnessing through the lens of *Hesitation Wound* (*Tereeddüt Çizgisi*). Prior to the analysis, the relationship between cinema, law, and justice is discussed on a theoretical level, with examples from both world and Turkish cinema. The findings reveal three central themes in the film. First, the protagonist's inner conflict between professional duty and personal ethical responsibility in the pursuit of justice is highlighted. Second, through a figure marginalized by the system and condemned to live in the shadow of the law, themes of social exclusion and injustice are brought to the fore. Finally, the silence of the character expected to bear witness reveals the social and individual boundaries of ethical obligations within legal processes. Thus, the film sheds light on the fragile relationship between the individual and the legal system through themes such as ethical witnessing, silence, and the possibility of justice.

Keywords: Cinema, law, morality, ethics, justice

SİNEMADA HUKUK VE ADALET: TEREDDÜT ÇİZGİSİ FILMİ ÜZERİNE BİR ANALİZ

Öz

Yeni Türk Sineması'nın son döneminde öne çıkan yönetmenlerden Selman Nacar, hem hukuk hem de sinema eğitimi almış olmasıyla dikkat çeker. Nacar'ın 2023 yapımı *Tereeddüt Çizgisi* adlı filmi, hukuk sistemi içinde görev yapan bir avukatın etik sorumluluk ve vicdani çatışmaları etrafında şekillenen derinlikli bir anlatı sunar. Bu çalışmada, *Tereeddüt Çizgisi* filmi özelinde etik sorumluluk, adalet arayışı ve tanıklık kavramları tematik analiz yöntemiyle incelenmiştir. Analize geçmeden önce, sinema ile hukuk ve adalet arasındaki ilişki kuramsal düzlemede tartışılmış; Dünya ve Türk sinemasından örnekler verilmiştir. Bulgular, filmde üç temel tema etrafında şekillenmektedir. İlk olarak, ana karakterin adalet arayışı sürecinde mesleki görev ile kişisel etik sorumluluk arasında yaşadığı içsel çatışma vurgulanır. İkinci olarak, sistemin dışında bırakılmış ve hukukun gölgesinde yaşamaya mahkûm edilmiş bir figür aracılığıyla toplumsal dışlanılmışlık ve adaletsizlik temaları öne çıkar. Son olarak, tanıklık etmesi beklenen karakterin sessizliği, hukuki süreçlerdeki etik yükümlülüklerin hem toplumsal hem de bireysel sınırlarını görünürlükler. Dolayısıyla film, etik tanıklık, sessizlik ve adaletin olasılığı gibi temalar aracılığıyla birey ve hukuk sistemi arasındaki kırılgan ilişkiye gözler önüne serer.

Anahtar Kelimeler: Sinema, hukuk, ahlak, etik, adalet

¹ Assoc. Prof. Dr. Selçuk University, Faculty of Communication Department of Radio, Television and Cinema, ORCID: 0000-0003-0907-2687

* **Sorumlu Yazar** (Corresponding Author): ozlemozgur@selcuk.edu.tr

² Prof. Dr. Ankara Yıldırım Beyazıt University, Faculty of Communication Department of New Media and Communication enderhankarakoc@aybu.edu.tr ORCID: 0000-0001-8969-6144

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Introduction

With the 1990s, Turkish cinema entered a new phase both stylistically and thematically. In this period, high-budget popular films appealing to large masses on the one hand, and low-budget art films emphasizing individual themes and formal experimentation on the other, attracted attention. This bidirectional structure indicates that popular cinema regained power, while art cinema entered a process of institutionalization, marking the beginning of a new era (Suner, 2006, pp. 28-33). Asuman Suner (2006) calls this new era the New Turkish Cinema. While directors such as Yeşim Ustaoglu, Derviş Zaim, Zeki Demirkubuz and Nuri Bilge Ceylan, who constitute the artistic wing of the New Turkish Cinema, continued the line of art cinema with their unique narrative language; in the 2000s, with directors such as Pelin Esmer, Özcan Alper, Reha Erdem and Semih Kaplanoğlu, a different thematic and stylistic orientation was taken and the existing aesthetic understanding of the artistic wing of Turkish cinema was developed. Directors such as Hüseyin Karabey, Mahmut Fazıl Coşkun and Fikret Reyhan have also attracted attention; Selman Nacar, as one of the new generation names following in the footsteps of this cinematic tradition, has recently come to the fore with both his films and his mini-series released on digital platforms. Nacar stands out especially with his narrative that focuses on themes such as ethics, justice, morality, indecision and silence; he has gained a unique position within the New Turkish Cinema with his films *Between Two Dawn* and *Hesitation Wound*.

Selman Nacar's orientation towards cinema was shaped by his interest in the relationship between ethics and morality. After transferring from Istanbul University Faculty of Law to Istanbul Bilgi University, he studied both law and cinema. This search between the fields of cinema and law during his university years led him to turn to the practice of filmmaking. After his graduation, he completed his master's degree in directing at Columbia University and continued his film career in this direction. The director's first short film, *Kuyu* (2015), is set in rural Anatolia and centers on the individual's conflict with tradition (Çiçekoğlu & Nacar, 2022, pp. 169-170). His first feature film, *Between Two Dawn* (2021), also explores the tensions between ethics, morality and social norms. Nacar stated that his interest in these themes was not a result of his legal education; on the contrary, these questions led him to study law. His life journey from Uşak to Istanbul and then to New York enabled him to make observations on how cultural contexts affect his understanding of ethics and morality. These observations and questionings formed the formal and thematic basis of Nacar's film narratives (Çiçekoğlu and Nacar, 2022, pp. 169-170). The first film directed by Nacar, *Between Two Dawn*, premiered at the 69th San Sebastian Film Festival and won several awards, including the Best Film Award at the 39th Turin Film Festival. *Hesitation Wound* (2023), the director's second film, had its world premiere at the Venice Film Festival, Orizzonti section. The film was then screened at various festivals and finally won the Best Director, Best Actress and FIPRESCI awards at the 43rd Istanbul Film Festival (www.kameraarkesi.org). While both of Selman Nacar's films deal with the impact of legal and moral responsibilities on the individual through common thematic axes such as the use of space, time structure and character construction, they reveal unique structures that differ from each other with the formal approaches they adopt in narrative fiction. In this study, Selman Nacar's second feature film, *Hesitation Wound*, is analyzed using the thematic analysis method within the framework of the themes of law and justice through the lawyer Canan, her client Musa, and Cemal, who closely witnesses what is happening but refuses to testify in court. Before moving on to the findings, the relationship between cinema, law and justice is explained and various examples in world and Turkish cinema are mentioned.

1. Literature Review

1.1. Conceptual and Theoretical Framework of Law and Justice in Cinema

The approach to law from an aesthetic perspective is situated at the intersection of two contemporary disciplines: aesthetic legal philosophy and cultural legal studies. This approach

includes not only the normative and institutional dimensions of law, but also its affective and narrative aspects. In this framework, cinema is considered as an important aesthetic field that stands out in terms of the representation and imagination of law (Sircar, 2024, p.13). According to McIntyre (2012), both films and trials have a fundamentally narrative form and share a strikingly similar structure. Just like film narratives, judicial processes rely on the credibility of observable facts, seeing, witnessing and ultimately judging. Similar to the fiction in films, the narrative established in court through witness accounts and the evidentiary process attains the status of truth through the observational nature of the testimony and the credibility of the witness.

Today, the historical relations between cinema, law and the state are becoming increasingly important. Especially in the genres of mystery, detective and court drama, these two fields often intersect through the themes of crime and punishment. In popular culture, lawyers and the legal system are often presented in unrealistic and entertaining representations, while in some productions, lawyers are heroized and glorified. However, how court processes and justice are represented is also an important focus of academic interest (Creekmur, 2007, pp. 1-3).

Kamir (2006) explains films that reproduce law and justice on three main grounds: The first is that these films assume social functions parallel to the functioning of the law. Second, they involve the audience in the process by staging judicial processes. The third is their potential to produce popular legal knowledge. While court dramas, trial films and productions dealing with legal and moral issues stand out in this context, films that are not directly related to law but indirectly deal with these themes also offer meaningful analysis. Kamir (2006) defines this field as all films that deal with social or moral issues centered on law. Law and cinema serve similar functions in the construction of social values, identities and conceptions of justice; both are sociocultural platforms where collective identities and imaginaries are staged. Moreover, legal films involve the audience in judicial processes by staging legal structures and logics and are effective in the construction of social subjects and values.

Cinema allows not only the representation of law, but also the aestheticization of legal forms, the activation of a sense of justice in the audience, and the staging of legal power. In this respect, cinema offers a multi-layered ground of analysis that intertwines the formal, representational, affective and technological dimensions of law (Sircar, 2024, p.13). Thus, law is considered as a social and cultural practice with a unique structure and logic that cinema can reflect or critically examine, but cannot directly influence (Lerma, 2021; Elkins, 2007). The films call the audience to think critically about the dominant conceptions of law and justice that shape contemporary legal and economic systems. This call offers the possibility of making visible alternative or unrealized possibilities that reformulate law and justice (Lerma, 2021, p.4; Greenfield, Osborn, & Robson, 2001). Individual consciences and systemic conflicts are thus brought to light. Therefore, by offering creative and effective interpretations of the law, films not only represent but also contribute to the production of new understandings of ethics and justice (Kamir, 2006). In doing so, the audience is often confronted with a figure of justice and a figure of injustice. The figure of injustice is the one who creates and maintains the gap between justice and law. The figure of justice, on the contrary, is the hero who tries to bridge the gap between justice and existing law (Machura, 2007). One side tells a story of innocence, the other a story of guilt. While both law and cinema claim to tell objective truth, in reality they only offer more or less convincing stories. In the end, the viewer, whether moviegoer or juror, has to make a judgment between these competing narratives (McIntyre, 2012).

Moreover, courtrooms not only offer a suitable dramatic structure for cinema, but also create an intersection between law, ethics and social values. The structure that progresses from the commission of the crime to the final verdict satisfies the viewer that justice has been done through the investigation process, witness testimonies, cross-examinations and closing statements. However, this form of representation often simplifies the complexity of real legal processes and

presents an idealized understanding of justice. The theatrical nature of the courtroom also plays an important role in this structure. The impressive arguments of the lawyers, the emotional outbursts of the witnesses and the moment of the judge's decision make the viewer part of a narrative that pursues not only a trial but also the truth. Thus, law, combined with performance, paves the way for ethical and moral questioning in cinema (Greenfield, Osborn & Robson, 2001; Papke, 1999).

1.2. Law and Justice in World Cinema

In American cinema, courtroom scenes have gained an important place from the early period due to their ease of narration and dramatic intensity, and have become a tradition over time. This tradition, which developed from the 1930s with films such as *Fury* (1936), *Young Mr. Lincoln* (1939) and *Adam's Rib* (1949), experienced its golden age in the 1950s and 60s with classics such as *12 Angry Men* (1957), *Anatomy of a Murder* (1959) and *To Kill a Mockingbird* (1962). In these productions, elements such as the jury system, cross-examination and closing statements were transformed into an ethical narrative, creating a connection between the audience and the law. In the 1980s and beyond, films such as *The Verdict* (1982), *A Few Good Men* (1992) and *Philadelphia* (1993) emphasized the individual's struggle with the system and the ethical limits of the practice of law, while post-1990s productions such as *The People vs. Larry Flynt* (1996) and *Michael Clayton* (2007) brought the court process into a more political and critical context (Papke, 1999).

Rather than being mere fiction, American court representations contain ideological messages about how state-controlled justice should operate (Papke, 1999, p. 479). The cultural impact of American legal cinema is particularly striking in Europe, where many people in continental Europe, for example, claim to know the American judicial system better than the legal regimes of their own countries. Even in countries with different legal systems, such as Germany, legal-themed productions often reflect American examples (McIntyre, 2012). These representations feed on American culture, reshape it and present it back to society; they function as a socially constitutive language. While reinforcing the sensibilities, values and ideologies of society, they also guide and shape them. Although its impact cannot be measured precisely, it can be said that this popular cultural pattern has a significant impact on both the attitudes of lawyers and the public's view of lawyers, courts and society in general; it can even be said to shape the American consciousness (Papke, 1999).

Saygılı (2014) analyzes U.S. legal films under two main headings: case-oriented films and films centered on lawyers. The study analyzes how these films represent both the legal system and lawyers. *12 Angry Men* (1957) is presented as an example of case-oriented films and stands out with its portrayal of jurors' prejudices and decision-making processes during a murder trial. Similarly, *Judgment at Nuremberg* (1961) is also among the important and acclaimed legal and trial-oriented films of the period. Sevtap Metin (2015) examines the ideological functioning of Nazi law and how law can be transformed into a tool of domination through the film *Judgment at Nuremberg*. The article problematizes the claim of universality of law and draws attention to the historical, political and ethical dimensions of justice. The dramatic scenes and concentration camp images in the film create a critical cinematic space for the representation of law. In this comprehensive study, Metin (2015) shows that law is not only normative but also ideological and representational.

And Justice for All (1979) depicts a lawyer's dilemma between his professional responsibility and his conscience; the lawyer is idealized as willing to pay a professional price in the name of justice. *The Devil's Advocate* (1997) harshly criticizes the ambitions and ethical dilemmas of lawyers and presents the legal system as an almost demonic structure. *Primal Fear* (1996), on the other hand, emphasizes the fallibility of the lawyer, as a well-intentioned lawyer learns at the end of the case that his client, whom he thought to be innocent, is actually guilty. Through these examples, the

article argues that legal films not only present dramatic narratives to the audience but also create an ideological space that shapes the understanding of law and justice (Saygılı, 2014).

Similarly, *Erin Brockovich* (2000) depicts the struggle of a woman with no legal education against environmental pollution, revealing a non-legal figure's search for justice and her interaction with the system. *Legally Blonde* (2001), on the other hand, questions the effects of social judgments on the practice of law through the success of a character who tries to go beyond social stereotypes during her legal education. *North Country* (2005) is an impressive drama film based on a real sexual harassment case. It tells the story of a woman who works in a male-dominated mine and resorts to legal action against the systematic harassment she is subjected to. With the support of a lawyer, her struggle in the courtroom becomes not only a personal quest for justice but also an important stand against discrimination against women in the workplace. The film powerfully reflects a woman's struggle to be heard within the legal system. *Conviction* (2010) is based on the true story of Betty Anne Waters, whose brother was wrongfully accused of murder. In order to save her brother, Betty studies law and becomes a lawyer, but in the process is forced to end her marriage and take care of her children as a single mother. The film reveals her quest for justice, as well as her struggle with re-examination of evidence and the legal system. *Ma Rainey's Black Bottom* (2020) presents Levee, who witnessed the attack on his mother as a child and the impunity of the perpetrators, deeply broken by the absence of justice. The film powerfully reveals the devastation that social inequalities cause in human life. *The Trial of the Chicago 7* (2020) tells the true story of seven activists charged by the government with conspiracy and sedition following protests against the Vietnam War during the 1968 Democratic National Convention. The film dramatically reveals how justice is shaped in political trials and the legal struggle of the defendants for the right to defense.

Not only in American cinema but also in the cinema of European, Far Eastern and Middle Eastern countries, there are important productions dealing with law, justice and trials. *Tokyo Trial* (2006) is a film about the International Military Tribunal for the Far East, where Japanese officials were tried after World War II. Although stylistically influenced by American courtroom cinema such as *Judgment at Nuremberg* (1961), it adheres to the traditional Chinese understanding of gong'an justice. Judge Mei, in her role as omniscient narrator, recounts the war crimes through documentary footage. The film thus maintains the Chinese narrative of the voice of justice while utilizing the structure of adversarial justice (McIntyre, 2012). *The Stoning of Soraya M.* (2008) shows how women are easily victimized and how one-sided justice becomes dysfunctional in a patriarchal society through the experiences of Soraya, who is accused of adultery and stoned to death in Iran. *A Separation* (2011), also from Iran, focuses on the divorce process and presents a multi-layered narrative in which moral responsibility, class tensions and judicial processes intertwine. These films blend the universal pursuit of justice with local contexts by reflecting the cultural codes of different legal systems through cinematic language. Similarly, *Gett: The Trial of Viviane Amsalem* (2014) tells the story of a woman's years-long struggle to divorce her husband in Israel. The film exposes the injustices women face in the religious legal system in a simple but powerful language. *Leviathan* (2014) tells the story of Nikolay, an auto mechanic living in northern Russia, and his legal struggle against the mayor who wants to take away his land. The film dramatically reveals how justice is distorted in favor of power and the helplessness of the individual in the face of the system. The above-mentioned films reflect the cultural codes of different legal systems through cinematic narrative, blending the universal pursuit of justice with local contexts.

1.3. Law and Justice in Turkish Cinema

For a long time, the notion of justice in Turkish cinema has been dealt with mostly in emotional ways, and court processes have generally been placed in the background and in a limited way. The characters of judges, prosecutors, and lawyers, who are legal actors, are rarely featured, and the

justice system is often used only as a supporting element of the story. This approach made it difficult to construct a deep sense of justice through cinema (Şenarslan, 2008, p. 6).

Balcı (2011) points out the films shot in the 1960–1975 period, such as *Katilin Kızı* (1964), *Avare* (1964), *Ekmekçi Kadın* (1965), *Şakaayla Karışık* (1965), *Katiller de Ağlar* (1966), *Suçsuz Firari* (1966), *Kelepçeli Melek* (1967), *Ana Hakkı Ödenmez* (1968), *Bana Derler Fosforlu* (1969), *Söz Müdafaanın* (1970), *Seven Ne Yapmaz* (1970), *Seni Sevmek Kaderim* (1971), *Gönülden Yaralılar* (1973), and *Mahkûm* (1973). The court scenes of fourteen Yeşilçam films were analyzed for the messages they conveyed toward the formation of a popular legal culture. These scenes, frequently featured in melodramatic films, were presented as places where justice was restored and as practical settings for low-budget productions. Conflicts were typically depicted along the rich–poor and powerful–powerless axis. Defendants appeared as good people committing crimes out of necessity; the positivist view of punishment gave way to an approach considering intentions and circumstances. The rich were mostly negative, lawyers idealistic, prosecutors harsh, and judges more compassionate. Female characters were often portrayed as wives or mothers, while female lawyers rarely appeared and made emotional decisions. Thus, court scenes reflected melodramatic structures rather than actual legal processes.

Among the films of the 1970s, *İtham Ediyorum* (1972), directed by Orhan Elmas, stands out from its contemporaries with its realistic courtroom setting. The film is a striking drama that combines the themes of law and psychological thriller through this arrangement. The prosecutor, who is handling the case of a woman accused of murder, confronts the connections between the evidence and his own family. The story centers on justice, conscience, and family ties, and explores the dilemmas the prosecutor faces between his profession and his personal life.

In the periods after 1975, there are limited but striking examples of legal processes in Turkish cinema. Although the social satire films of the 1970s and 1980s are not exactly in the category of legal films, the court scenes in their content left audiovisual traces in order to draw attention to social problems, the justice system, or the conflicts experienced by the individual in his/her relationship with the state. *Kibar Feyzo* (1978), directed by Atıf Yılmaz, is one such film. The movie begins with the character Feyzo being taken to court after shooting the village lord. The opening scene takes place directly in a courtroom, and both humor and satire are created through the characters' expressions. Another movie starring Kemal Sunal, *Davacı* (1986), presents an ironic approach to the workings of justice. In the movie, the villagers' lawsuits that have been going on for years and their trips to and from the courthouse are depicted through many court scenes. These scenes offer a humorous yet critical look at the functioning of the system. The movie *Garip* (1986), also starring Kemal Sunal, has emotionally charged and tragicomic court scenes. In the film, the main character is taken to court, and a dramatic structure is presented to the audience with details such as defenses and witness statements. These films provide important examples of how law and court scenes are handled in Turkish cinema. Representation of justice, criticism of the system, humor, and melodrama are the main building blocks of these scenes.

Although *Aile Serefi* (1976) cannot be directly categorized as a social satire, the court scene and the search for justice make the failings of the system, class inequalities, and moral corruption visible through a melodramatic narrative. The court scene turns into a powerful representation that triggers not only an individual reckoning but also a sense of social justice in the viewer. Thus, the film presents both a family drama and an indirect but effective criticism of the social structure of its time. The 1988 film *Reis Bey* is also one of the most important films of Turkish cinema and deeply questions the concepts of compassion, conscience, and justice. *Reis Bey*, a heavy penalty judge known for his strict rules, sentences a young man to death based on his past. The young man's innocence forces the judge to confront his conscience, leading to a profound inner transformation.

The 1990 film *Madde 438* is about the struggle for honor of a woman who is raped after an unwanted marriage, accused of prostitution, and ostracized from society. Beyond an individual drama, this film reflects a rebellion against the discriminatory social view of women. In the film, the divorce process, environmental pressures, and legal struggle are depicted in detail through the experiences of the female character. Repealed in 1990, the article of the law with the same name as the film is an important focus of criticism with its approach that subjected victims of sexual assault to chastity-based discrimination. This production has a symbolic importance for the struggle for women's rights by making the inequalities within the justice system visible (Bilis & Bilis, 2013).

Pardon (2005) deals with the victimization caused by miscarriages of justice. In *Pardon*, stereotypical justice characters present the justice system to the audience in a very convincing and realistic way. The trial in the film is close to reality, and the lawyer's short defense, although clichéd, is legally correct. Another movie that depicts the legal system in a more realistic way is *Barda* (2007), which caused a lot of noise and controversy with its scenes of violence at the time of its release. Although *Barda* presents a realistic representation of the legal system, it cannot easily abandon the rules of melodrama. In *Barda* (2007), although the audience is satisfied with the punishment of the criminals, the viewer's sense of revenge is also fed by the prosecutor's attempts to achieve justice through different methods. Although this approach is disapproved of, the killing of the criminals in prison metaphorically shows that the filmic narrative represents justice on behalf of the victims (Şenarslan, 2008). Similarly, in the movie *Paramparça* (2017), the impressive story of a woman who has to administer justice in her own way is skillfully inserted into the filmic narrative. Inspired by a real event, the movie impressively reflects the disappointment of a woman who lost her family in a racist attack while waiting for justice from the legal system and her individual search for justice. The films *Madde 438*, *Pardon*, *Barda*, and *Paramparça* are important examples that offer a critical perspective on the legal system and the functioning of justice.

In line with the above information, it would not be wrong to say that court scenes and representations of justice in Turkish cinema have historically been intertwined with genres such as melodrama, satire, and social criticism; the legal system has often been used as a tool that makes emotional conflicts visible. Especially since the 1960s, courtrooms have turned into scenes that aim to arouse conscientious satisfaction in the audience rather than being places where justice is served. Judicial processes were sometimes handled with humor, sometimes with dramatic or tragic representations, while the representations of legal actors (judges, prosecutors, lawyers) remained mostly one-dimensional and symbolic. In the period from the 1990s to the 2000s, more realistic and critical narratives came to the fore, and the themes of injustice—especially the injustices suffered by women—faults in the system, and the tension between conscience and law became more visible in cinema. Thus, it is possible to say that Turkish cinema has contributed to the formation of a critical memory of the legal system by dealing with the phenomenon of justice in different ways at both individual and social levels over time.

2. Sample and Method

2.1. Sample Film: *Hesitation Wound*

Hesitation Wound tells the story of Canan, an idealistic lawyer who confronts her own conscience while defending a murder suspect. Canan, who spends her days rushing between cases in the courtrooms of the courthouse and her nights at the bedside of her mother, who is on a respirator, faces a difficult choice in the final hearing of the murder case she has been working on for a long time. This decision turns into a moral choice that will profoundly affect the lives of not only the accused but also Canan's mother and the judge hearing the case.

2.2. Method

This study adopts thematic analysis as the principal method of qualitative inquiry. Thematic analysis is widely acknowledged as a flexible yet rigorous approach that facilitates the identification, analysis, and interpretation of recurring patterns of meaning (themes) within qualitative data (Braun & Clarke, 2006). Distinct from purely descriptive techniques, thematic analysis provides a systematic and interpretive framework that enables the researcher to generate deeper insights into complex phenomena by organizing the data into themes through an iterative and reflexive process. As emphasized by Kiger and Varpio (2020), its adaptability across diverse research traditions underscores its methodological versatility. Furthermore, themes are not confined to explicit expressions but may also manifest in implicit forms (Boyatzis, 1998). This analytical capacity renders thematic analysis particularly suitable for the study of cinematic narratives, where meaning is often produced through the interplay of explicit dialogues and indirect cinematic devices.

2.3. Data Collection and Analysis Process

The data for this study were derived from Selman Nacar's film *Hesitation Wound* (2023). As the primary object of analysis, the film was repeatedly viewed by the researcher, and its scenes were systematically documented. In this process, particular attention was paid to dialogues concerning law and justice, silences, spatial arrangements, and character interactions. This stage enabled the researcher to develop a profound familiarity with the film, thereby concluding the data collection phase.

The analysis was conducted within the framework of thematic analysis as proposed by Braun and Clarke (2006), and organized inductively in line with the recommendations of Creswell (2013, p. 45) and Punch (2011, pp. 195–196). Accordingly, codes, categories, and themes were generated through a bottom-up process. Initially, observations obtained from the film were transformed into preliminary codes. These codes were then clustered under recurrent motifs such as responsibility, marginalization, and witnessing, and subsequently categorized. In the final stage, the codes and categories were reviewed and refined, leading to the identification of three principal themes: ethical responsibility in relation to the character Canan, marginalization and otherness in relation to Musa (the client), and silence and the refusal of testimony in relation to Cemal. These themes constitute the central axes shaping the film's representation of law and justice, and the thematic analysis was completed within a systematic and rigorously structured framework supported by the researcher's observations.

3. Findings and Interpretations

3.1. Attorney Canan and the Boundaries of Ethical Responsibility in the Pursuit of Justice

The film's opening scene begins with a wide shot of the prison. The frame is empty, with no movement. Then, the camera cuts to the special vehicle transporting the prisoners. For quite a while, the audience follows this vehicle moving along the road. In the next scene, Canan is preparing in the hospital. She heads toward the courthouse. She reviews the case file and checks whether there are any issues with the documents. At the same time, she waits for her client Musa to be brought in. As soon as she sees the vehicle arriving through the window, she moves to meet him. In the meantime, she also meets with Musa's mother. She asks whether the witnesses have come. Although the absence of witness Cemal disappoints her, she does not show this to Musa. She prepares him for the hearing and tries to keep his morale high. When the trial is postponed, she takes action to reach Cemal. Canan strives for "a result that can bear the name of justice to emerge between violence and law. A sense of result that will suppress the preceding violence and sweep it away (Young 2010, p.153)".

The main character of the film, Canan, is an idealistic lawyer who studied in England, pursued her dreams, and returned to her hometown of Uşak after many years due to her mother's illness. At night, she takes care of her mother in the hospital, while during the day she works tirelessly to win a complicated case. Canan does not establish close relationships either with the people she communicates with at work or with her only family member, her sister, yet she is highly protective toward her client, his mother, and the witness she expects to testify. Because of the mistreatment in prison, her client cannot take care of himself and shave, so Canan arranges for him to be shaved with the help of the law enforcement officers. She buys him cigarettes and plays rap songs on her phone to help lift his spirits. She strives to fulfill her duty as properly as possible. This aspect of Canan aligns closely with Papke's (1999) observation that, in films centered on law, the most developed characters are often lawyers, who typically face a personal moral dilemma connected to the subject of the case. Indeed, Canan establishes a moral bond both with her client and with the issue represented by the trial.

While her client listens to the rap song, Canan gazes at his face for a long time. In this scene, the audience witnesses both the relationship she establishes with her client and the intensity of Canan's emotions. According to Levinas (2010, pp.159, 331), responsibility is a condition that arises in the relationship with and for the Other. This responsibility does not stem from an individual's decision but precedes everything—even freedom itself. In the film, at the moment Canan confronts the defendant she defends, she encounters an ethical responsibility that goes beyond her professional duty. As a result of this encounter, Canan can no longer remain indifferent to the defendant's despair and fate; abandoning him would damage not his humanity, but Canan's own humanity (Levinas, 2010, pp.123,159). Canan's inner transformation corresponds to Levinas's notion of the self turning away from its own selfishness toward the Other. Throughout the film, by responding to the call of the Other, Canan pushes her own freedom into the background in favor of the defendant's life. In this sense, her transformation into an ethical subject aligns with Levinas's definition of ethical and social responsibility as the very condition of being human (2010, pp. 272, 276). Attorney Canan shows a similar attitude in her mother's organ donation process. Until she is convinced that her mother has no chance of recovery, she asks every possible question and considers all alternatives. Because at this point, Canan is simply a daughter, unable to accept the idea of losing her mother. Once convinced that her mother cannot recover, she accepts the organ donation, since her mother had made this decision during her lifetime. Although initially reluctant, Canan later takes steps to initiate the procedures, respecting her mother's choice. Yet she cannot help but criticize the doctor's explanation about organ donation, as her ethical responsibilities require it. At the end of the film, however, this decision becomes a turning point for her client. Canan suddenly crosses the threshold and tells the presiding judge that she has donated her mother's organs, that she knows they are waiting for an organ donation for his niece, and that she can help. The trial is abruptly postponed, and the film ends. From the very beginning, Attorney Canan has upheld an ethical stance, but in the final scene she is portrayed not solely as an ethical heroine, but also as a character wandering at the boundaries of the system—an outsider who enters it from the margins yet never fully adapts.

In the film, while following a single day in Canan's tightly compressed schedule, we also see that she fails to attain any spatial sense of interiority. Bachelard (2013) states that the house harbors interiority, shelters what is inside, erases the footprints of the outside world, confuses the paths, and, when a storm breaks out, transforms into a place of resistance—a refuge, a bastion. Thus, the house is an existential space of shelter. In the midst of the storm, the house resists fearlessly. Canan, however, has no such refuge; she works in public spaces, walks through hospital corridors, and wanders alone in the marketplace. The only places where she is alone with herself are her hospital room and the bazaar; yet neither of these spaces belongs to her. In this way, Canan is constructed as an ethical subject deprived of the existential rootedness that a home provides. Her

ethical hesitations are also an expression of not having a place. A subject unable to identify with a place is rootless, and this rootlessness deepens Canan's inner conflicts. Throughout the film, Canan is never shown in a private space. She is seen in locations such as the hospital, courthouse, post office, coffeehouse, grocery store, marketplace, and factory, spending her evenings at her mother's side in the hospital. In no scene is there any dialogue or representation suggesting that she has a home of her own. Despite the absence of a home, Canan manages to exist.

3.2. Musa under the Law: An Outsider and a Shadowed Other

Musa, for whom Canan takes on the defense, is always a loser in the film, a character pushed out of the system. Musa has no father. He lacks the protection and authority of a father. He struggles to live with his mother. His argument with the factory owner he is alleged to have killed is about his unpaid salary after he was fired from his job. When he demanded his money and did not get a positive response, he made threats, and when he learned about his mother's relationship with the factory owner and could not prevent his mother from being subjected to violence, he escalated his threats and went to the factory from time to time to demand accountability. As the other side's lawyer repeated in court, he has a criminal record, has been involved in crime at certain periods of his life, is the Other of the social structure, and is highly capable of murder. By developing a form of ethical witnessing in the viewer, the film calls on the audience to connect with humanity through sensitivity to the pain of the Other. Because the Other outside the system is an entity that must be taken into account before legal decisions. In this context, the film opposes the reduction of the Other to fixed definitions within certain boundaries and argues that the effort to understand the Other is an ethical obligation. When the law denies the Other, injustice arises, just as in the film (Lerma, 2021).

The film does not show the commission of the murder, how Musa gets into a fight with the factory owner and his son, or the violence Musa's mother suffers at the hands of the factory owner; it does not evoke affective reactions such as anger, fear, or blame against the factory owner and his son until the scene where Musa confesses that he is afraid and that he will commit suicide if he continues to stay in prison. In fact, the viewer does not develop any empathy with Musa until this scene. After this, the audience develops negative feelings toward the factory owner and his son and focuses on the fair outcome of the trial process. Therefore, the film shows the audience not the murder itself but the consequences of the murder, underlining that the audience should be interested in this process—the trial process. The film implies that we should assume an ethical responsibility toward Musa by taking his experiences and suffering into account. It does this through Canan's call, to which the viewer responds. Thus, Musa ceases to be the Other and turns into a character who has not been able to face the difficulties of life, has not reached a certain maturity, and has been left unsupported.

3.3. The Wall Before Canan: Cemal's Silence

Cemal, the only eyewitness to the murder, initially promises to testify in favor of Musa but later backs out and does not show up for the hearing. When the court session is adjourned, Canan goes first to Cemal's house and then to Cemal's wife, who has started working at the factory where the murder took place. Despite Cemal's wife's various excuses and attempts to prevent her, she manages to talk to Cemal on the phone. She tells Cemal that a summons can be issued and that it is a legal obligation for him to testify. Cemal arrives in front of the courthouse; however, he does not attend the hearing. He says that he knows how cruel the factory owner is to this mother and son, but he declines to testify. He walks away from the courthouse. McIntyre (2012) states that testimony has a decisive function in establishing truth in both film narratives and judicial processes. Narratives based on observation gain meaning not only on the basis of evidence or rules but also on the ethical and reliable position of the witness. Therefore, unless an ethical testimony is presented, a defense based on legal rules and evidence may be insufficient to reach the truth. In

the film, Cemal's failure to testify and Canan's efforts to exonerate Musa are insufficient because Cemal, in the words of Levinas (2010), does not respond to the call of the Other; he escapes ethical responsibility. Although he does not actively participate in the crime, his silence in the face of it turns him into a passive accomplice, as Arendt (2009) puts it. Therefore, he cannot take an honest and courageous stance in the face of injustice; he puts his personal interests and economic concerns before ethical responsibility. According to Jaspers (2015), this attitude makes him another bearer of crime in the moral sense. In this context, it is once again demonstrated that a defense based solely on legal rules and evidence without ethical testimony cannot be sufficient.

4. Conclusion and Recommendations

In this study, thematic analysis, as outlined by Braun and Clarke (2006), was employed to examine Selman Nacar's *Hesitation Wound* (2023). The film was repeatedly viewed, its key scenes systematically documented, and the data were inductively coded and categorized, ultimately yielding three principal themes centered on the characters of Canan, Musa, and Cemal. Unlike classical justice narratives, *Hesitation Wound* (2023), Nacar's second feature film and a notable example from the artistic wing of the New Turkish Cinema, does not guide its audience toward definitive judgments; instead, it sustains them in a state of continuous ethical hesitation. This indeterminacy is mirrored in the film's central characters—Canan, Musa, and Cemal—each of whom embodies uncertainty and moral ambivalence throughout. The ethical call articulated by lawyer Canan plays a central role in the film, as it actively engages the audience in a world structured through exclusionary, homogenizing, fragmenting, and hierarchical logics. Although she belongs nowhere, Canan is not portrayed as a passive subject shaped by legal regulations but as an active agent who intervenes in and responds to the law. In doing so, however, she suspends the ethical responsibility that emerges from her encounter with the Other and risks crossing the boundaries of ethics. Within this framework, ethical sensitivity gradually gives way to systemic pragmatism. This systemic pragmatism is not limited to Canan. Cemal, the sole eyewitness who refuses to testify, similarly withdraws from ethical responsibility, prioritizing his personal interests. His silence demonstrates that justice cannot be achieved solely through legal norms but also requires ethical and social witnessing. Although he does not directly participate in the crime, his refusal to testify renders him, in Arendt's (2009) terms, a passive accomplice. Thus, both Cemal's silence and Canan's compromise illustrate distinct forms of systemic pragmatism. By contrast, Musa is depicted as fundamentally incompatible with the system: a marginalized "Other" the law excludes and rejects. Yet rather than presenting him merely as such, the film calls the audience to assume ethical responsibility through witnessing. The omission of the murder scene shifts the narrative focus from the crime itself to the trial process, compelling viewers to consider justice through Canan's ethical appeal. Ultimately, however, the film leaves Musa's fate unresolved. Instead of offering ethical or legal certainty, it constructs a space of hesitation in which the sensory boundaries of justice remain unsettled and open to interpretation.

In light of the foregoing discussions and the findings derived from the film analysis, it can be argued that the relationship between cinema and law is both historically deep-rooted and conceptually rich. This relationship extends beyond the examination of cinematic representations, providing a foundation for interdisciplinary inquiries into how cinema constructs legal meaning, interrogates judicial practices, and translates them into broader social experiences. Filmic narratives, in this sense, demonstrate that ethical witnessing is not merely a visual spectacle but a critical practice grounded in the negotiation of memory, violence, responsibility, and self-reflection. Consequently, there is a pressing need for further research at the intersection of cinema and law, along with the development of new perspectives on the representation of judicial systems within the film industry. Strengthening the dialogue between legal scholarship and cinematic practice may contribute to more nuanced portrayals of justice. Selman Nacar's cinematic language—shaped by his dual training in law and film—embodies a distinctive ethics-oriented

perspective within Turkish cinema, underscoring the value of directors with similarly interdisciplinary backgrounds.

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