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Ethics and True Crime: Setting a Standard for the Genre

by Hazel Wright
May 12, 2020
RESEARCH QUESTION

What are the perceived ethical problems with true crime as a genre? What considerations should be included in a preliminary ethical standard for true-crime literature?

ABSTRACT

True crime is a genre that has existed for centuries, adapting to social and literary trends as they come and go. The 21st century, particularly in the last five years, has seen true crime explode in popularity across different forms of media. As the omnipresence of true crime grows, so do the ethical dilemmas presented by this often controversial genre. This paper examines what readers perceive to be the common ethical problems with true crime and uses this information to create a preliminary ethical standard for true-crime literature.

A comparison of the ethical concerns raised in scholarly sources with a sentiment analysis of the Goodreads reviews of Michelle McNamara’s *I’ll Be Gone in the Dark* reveal that a significant number of readers do acknowledge questions of ethics in true-crime literature. These concerns indicate that a preliminary ethical standard for true crime would require that the book be well-researched, clear, humanizing, non-sensationalist, non-glorifying, and socially aware.
INTRODUCTION

True crime has existed as a genre since the 16th century, but in the last ten years or so has experienced something of a renaissance.¹ Its renewed popularity came in an explosion of cross-media hits—television, blogs, books, and maybe most significantly, podcasts, have all contributed to a current cultural moment where true crime feels virtually inescapable. Whether you’ve encountered the runaway success of podcasts like My Favorite Murder, the surprising ubiquity of streaming favorites like the Netflix series Tiger King, or the unanticipated circumstances that elevated I’ll Be Gone in the Dark to dizzying heights, it’s basically impossible to avoid the genre’s cultural influences—and its side effects. As think piece after think piece are churned out about hit pieces of true crime media, the questions of ethics become increasingly difficult to answer. If true crime books were the first modern medium in which the genre was available, then it stands to reason that the publishing industry has a role to play in creating an ethical standard for true crime moving forward. To establish such a standard, and determine why one is worthwhile, we first must ascertain what the widely perceived ethical problems with true crime are and how readers respond to these problems. This means examining the genre through both an intellectual and sentimental lens by engaging with peer-reviewed scholarly sources and reader reviews from sites like Goodreads. By synthesizing this spectrum of responses, we can not only determine which pitfalls of true crime are mutable, and can thus reasonably be avoided or treated more ethically, and what a feasible ethical standard for the genre might look like. The results of the research determined that a preliminary ethical standard

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for true crime literature would require that the book be well-researched, clear, humanizing, non-sensationalist, non-glorifying, and socially aware.

Determining what makes a work of true crime “ethical” is a sticky question in and of itself. For the purposes of this research, and due to the nature and definition of true crime as a genre, I defined an ethical work of true crime as something that, as much as reasonably possible, does the least amount of direct or indirect harm to the subjects and to readers. Because it often depicts violence, true crime can be emotionally and psychologically triggering. By that nature, as well as the fluid nature of ethics, it’s entirely possible that there are aspects of true crime that can never stand up to a universal ethical standard. There are certainly limitations to this project. The research here serves as an entry into conceptualizing this ethical standard—it will in no way finalize that standard.

A brief note about this project: the majority of the research, data collection, and writing took place in the spring of 2020, during the Covid-19 pandemic. While at first glance, the subject of this research and this worldwide health crisis don’t seem directly linked, it’s always possible that, as in any period of widespread societal change, that the data collected somehow influenced the current circumstances. People are consuming and engaging with media in unprecedented ways. It’s also possible that ethics are of an even greater concern now than ever before, which might particularly influence data reaped from Goodreads. Of course, there is no going back to a time before COVID-19, so if the pandemic has caused people to engage intellectually with the ethics of true crime on a greater level, this might just be the beginning of a new standard being set for the genre, making this research perhaps more relevant than ever before.
METHODS

For this project I collected scholarly sources in order to compare cross-media examples of true crime to establish the recurring ethical issues. After these pitfalls were established, it was necessary to determine whether or not readers themselves were engaging with questions of ethics in true crime, and which ethical concerns were most pertinent, to determine whether or not ultimately, it is worth publishers’ resources to prioritize ethics when they publish true crime.

To determine whether or not readers of true crime engage with the books’ ethics, I conducted a sentiment analysis of readers reactions to *I’ll Be Gone in the Dark* (2018, HarperCollins) by Michelle McNamara. This book was selected for a variety of reasons: it details the crimes of one of America’s most prolific and well-known serial killers, it spent multiple weeks on the *New York Times* Bestseller List, and it was published in the last five years. Selecting a work of true crime that was well-reviewed bestseller was important to this sentiment analysis, because with no universal ethical standard exists, so a critically exceptional book was more likely highly scrutinized and thus more likely to align with a potential future standard. Although *I’ll Be Gone in the Dark* is critically successful, there are numerous unreplicable circumstances that are not related to morality that helped boost the book’s publicity, including the author’s marriage to celebrity comedian Patton Oswalt, her untimely death prior to the completion and publication of *I’ll Be Gone in the Dark,* and the arrest of Joseph James.

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D’Angelo (who is suspected of being the Golden State Killer) just two months after the book’s publication.⁴

To perform the sentiment analysis, I turned to Goodreads. I selected this review aggregator instead of Amazon based on the purposes of the two sites. Amazon reviews are hosted on the same page where readers decide whether or not to purchase the book online. Though their purchase would be of interest to publishers, Goodreads is a site devoted solely to reviews, so the data collected there will not be influenced by readers or buyers who have frustrations with the company’s services themselves.

I thematically coded the most recent two hundred reviews of the book. Because the purpose of the analysis is to create a snapshot of readers’ recent sentiments, two hundred reviews presented a reasonable and manageable set of data for the scope of this project. Since this is a sentiment analysis, and is based largely on the interpretation of the analyst, the interest of this part of the research was more concerned with depth than breadth, while still creating a quantifiable way to interpret and visualize the data. Each review was ranked on a three-point scale, ranging from “no concern for ethics expressed,” “some concern for ethics expressed,” and “significant concern for ethics expressed”. I also made general notes about the categories of ethical language used and the frequency at which each category appeared in the reviews to capture an idea of what types of ethical concerns were of the greatest interest to the readers represented by the reviews used in the research. Explanations of what qualified as ethical

A BRIEF HISTORY OF TRUE CRIME AND THE FIELD TODAY

True crimes did not, in fact, originate as a solely literary genre, but instead as a part of a tradition of morality tales shared through public plays or in pamphlets in the 1500s. Emily O’Brien singles out *Arden of Faversham*, a play which depicts the murder of Thomas Arden and which was originally staged in the 1580s, as an example of one of the earliest works recognizable as true crime, and points out how moralizing helped purveyors of true crime justify the existence of the the plays or pamphlets themselves.⁵ As the genre evolved, it developed more and more hallmarks—traits that, while not necessarily universal, became motifs across different forms of true-crime media. A word frequently tied to the genre, “sensationalism,” originated in the nineteenth century as a pejorative term for works of literature and journalism that were intentionally designed to elicit strong emotional reactions from the public. Such sensationalist works were, and to some extent are, still derided by critics even when they’re sought after by readers.⁶ By the twentieth century, true crime morphed into its form that is most recognizable to modern readers and consumers of other media. In fact, this adaptability can even be called the third hallmark of the genre, after its sensationalism and concern with morality. True crime has a remarkable ability to not just adjust to changes in societal values and perceptions and popular media forms, but to thrive in these new forms. Thus, despite surges and ebbs in popularity, the

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genre always maintains some form of cultural relevance. Many scholars agree that the form best recognized today was grandfathered in by Truman Capote’s 1966 *In Cold Blood*, which to this day serves as a touchstone of true-crime writing and research. This form is characterized by the sense of spectatorship, in which the reader isn’t just witnessing the crime, but also its fallout, and it feels as if they are taking part in the events as they unfold. It’s easy to see this influence in other famous works of true crime, from Ann Rule’s *The Stranger Beside Me* (1980), in which Rule details her time working alongside Ted Bundy while he was an active serial killer, and Michelle McNamara’s *I’ll Be Gone in the Dark* (2018), where McNamara explores not just the Golden State Killer’s reign of terror, but her own obsession with crime writing and research. Notable in both these works is the role of the writer as part of the larger narrative, not as an objective researcher examining the facts at an arm’s length.

If immersion is part of success of the modern genre, it’s no wonder that other forms of media have become such a popular method for creating works that stretch the forms in new ways while still maintaining many of its hallmarks. On television shows viewers might get to see in-person interviews with victims, their families, and perpetrators, but with no overt authorial voice, they instead rely on editing and production to guide and shape a narrative. Podcasts take even more varied forms. On *My Favorite Murder*, a runaway hit true crime podcast hosted by Karen Kilgariff and Georgia Hardstark, the hosts recount crimes to each other while peppering in commentary and personal anecdotes. So, the listener—instead of feeling like they’re in a

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courtroom watching a witness take the stand, or observing from across the street as the police circle a house in yellow tape—feels as if they’re sitting on a couch in the living room, chatting with friends over a cup of coffee. The feeling of personal involvement exists, but with one greater degree of separation. Of course, not every true crime podcast follows the same format—others are far more journalistic in their approach. But, as we know the genre’s adaptability and as this paper is concerned with true crime and ethics, it’s worth noting the way it may mutate moving forward.

TRUE CRIME AND ETHICS

When it comes to considering the ethical concerns of true crime, it helps to break the genre into categories based on its production, its influence, and its potential benefits. Though it seems as though the publishing industry may have more direct control over true crime’s production, these categories are interwoven enough that they are all equally of concern when discussing ethical implications. How true crime is produced (in publishing specifically this means how it is written, researched, edited, and acquired) affects whom it influences and how, resulting in either or positive or negative benefit. You’ll notice that when discussing production, I exclude marketing and design. While these broadly fall under the umbrella of the tone and message of these books, which will be discussed, delving deeply into the aesthetics, publicity, and advertising broadens this research beyond its intended scope, though all these factors undoubtedly also have ethical impacts. Future research on this subject should be expanded to include these factors.
Research methodology in true crime can look different depending on the type of media the product is ultimately designed for, but often enough the overlaps are significant. Almost all this research is at least in part based on written material, so even scholarly sources concerned with the making of true crime television, movies, and podcasts is relevant to the examination of research in the genre in terms of publishing.

When considering the ethical implications of true crime, it’s natural to first think of victims and their loved ones, as they were the ones to originally suffer from the initial immoral actions of others. While it’s important to make the distinction between the writing (or other method of production) and the crime itself—just because the subject of a piece of true crime is unethical doesn’t mean the way it was researched or written was—it’s still possible that those involved in the real-life occurrences being portrayed may be negatively impacted by pieces of true crime. Issues of privacy, exploitation, and portrayal are often at the forefront of readers’ minds.\(^{11}\) When it comes to researching and writing about victims and families, the issue of portrayal is imperative, and we return to the ideas of spectacle and sensationalism. The nuance lies in the concept of humanity—is the writer, both in their research and writing, treating victims as individuals with experiences and personalities and lives that exist outside of the crime that was committed against them? Or does the author glorify either the perpetrator of the crime, or even the law enforcement that may or may not have brought that perpetrator to justice? There is a tendency in the genre to at times linger on the often macabre lives and pathologies of killers, or canonize police, detectives, and attorneys, all at the expense of treating those actually harmed by

the crimes as humans as opposed to storytelling collateral. This tendency is due in part to the need to mythologize perpetrators (even more specifically killers) as monsters for the purpose of psychological comfort—to other a killer or make them subhuman help erase the societal problems that may have created their pathologies and creates a circumstance wherein law enforcement is similarly mythologized into superhuman heroes who are able to defeat such monsters. The most ethical treatment of any figure involved in a work of true crime literature is thus to emphasize their humanity and avoid glorification. The interconnection of the aspects of production means that the quality of research also has ethical connotations.

The most obvious way to think about ethics in true crime is how its research might immediately affect active case and criminal trials. The influence of true crime in these circumstances are by far the most well-documented and clear cut. True crime can focus on cases in a variety stages, from legal conclusions, to the reexamination of old cases, or the reopening of cases in which a perceived miscarriage of justice occured. Stella Bruzzi points to HBO’s *The Jinx*, the podcast *Serial*, and Errol Morris’s *The Thin Blue Line* as instances where works of true crime have directly intervened in the the legal processes, either by becoming a factor in bringing the cases to trial or retrial, or, in the case of *The Thin Blue Line*, leading to an acquittal of a man on death row. Not only can works of true crime spur legal action, but there is also a possibility that these works will also influence public perception of these legal trials, including complicating

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the matter of jurisprudence, hindering the accused’s right to a fair trial.\textsuperscript{15} While to some it might appear that this interference by true crime is corrective, the possibility of influencing someone’s right to a fair trial is undoubtedly unethical. Again, the quality of research the writer completes is of the utmost importance, along with the issue of clarity. There must be a depth of research and a clear depiction of all known facts. To present a book’s audience with misinformation or to mislead them by manipulating how events and figures are portrayed is an ethical issue not just because of its dishonesty, but also because of the legal and social implications for the real people being portrayed. The instinct some writers feel to misrepresent or take liberties with facts and portrayals are in service of attempts to sensationalize the facts of crimes,\textsuperscript{16} meaning that any creation of a standard of ethics in true crime means that genre will have to reckon with one of its hallmarks.

Of course, the writing and research of a work of true crime may not be harmful, but its larger influence, outside of the realm of those immediately involved in the crimes being depicted, is still necessary to examine. Some argue that true crime traffics in alarmist rhetoric that can lead to stigmatizing stereotypes about race, class, and mental illness, and that white female victims occupy these narratives to the exclusion of victims of minority statuses who are already disadvantaged in modern society.\textsuperscript{17} Of course, unbiased writing seems like a given way to avoid the obvious pitfalls, but it seems the matter of nuance is under-considered.\textsuperscript{18} An awareness of the social factors surrounding the subjects of true-crime literature becomes an ethical necessity,

\textsuperscript{16} Ingebretsen, “The Monster in the Home.”
\textsuperscript{17} Ingebretsen.
which means beyond conducting in-depth research of the events, portraying them clearly without excessive sensationalism, humanizing the figures involved while avoiding glorifying them, the work itself should demonstrate an awareness the real-world factors and societal circumstances that shape the narrative.

The Case For True Crime

Though it is maybe more susceptible to moral failings than some other genres, it’s important to also note that true crime also has certain recognizable ethical benefits. As previously mentioned, there are cases where true crime research has had a legally corrective influence. Similarly, the genre can offer retribution for victims who were unfairly portrayed in the initial media coverage of the time later on. The same goes for the unjustly condemned and accused. For some, the opportunity to commiserate and delve into the darkest, most entrenched aspects of human nature serves as a unifying, cathartic experience. The genre is notable for its largely female readership, which some scholars argue is because it helps women document victimhood under patriarchy and provide an emotional outlet. Regardless of the difficult ethical nature of true crime, its benefits, and the fact that it’s clearly here to stay, mean that creating an ethical standard for the genre is worthwhile.

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DATA COLLECTION

All data was captured on the *I’ll Be Gone in the Dark* Goodreads page on May 5, 2020. Reviews were sorted from newest to oldest, and were filtered to be “text only.” The most recent review was from May 5, 2020, and the least recent was from April 7, 2020, meaning this data covers approximately a one-month span of time. At the time of the data collection, the book had received approximately 13,150 reviews on Goodreads. The data compiled includes reviews of varying editions, including ebook, audiobook, and editions with different front and back matter.  

Mentions of Ethics and Ethical Language

Considering the ethical concerns raised by the scholarly sources, I reviewed each of the 200 reviews and ranked them under the terms “no concern expressed” (the review made no mention of ethics), “concern expressed” (the review contained on instance of ethical language or expressed minor ethical concerns), or “significant concern expressed” (there were multiple mentions of ethics, or that the review itself was devoted to ethics). I abbreviated these terms to “NCE,” “CE,” and “SCE” respectively. I also analyzed each review to see which specific ethical concerns were mentioned, and came up with the following categories based on the prior review of scholarly literature: research, clarity, sensationalism, humanization, glorification, and awareness. The following is a rubric that explains the qualifications.

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● Research
  ○ Language that describes the skill or expertise with which the content of the books was researched, or the quality of the research or research methods themselves, excluding language that describes only the amount of research or effort put into research.

● Clarity
  ○ Language that describes whether the information in the book was easy to understand or whether it was confusing. An important note: reviews fell under this category if the reviewer explicitly noted that the information presented was clear or if they noted that they felt confused enough that they had potentially misunderstood the facts of the book.

● Sensationalism
  ○ Language that describes whether or not the content of the book or the writing is gratuitous, over-the-top, or otherwise sensationalist.

● Humanization
  ○ Language about the treatment of subjects of the book or the tone of the book, including mentions of compassion or respect.

● Glorification
  ○ Language that glorifies or canonizes the author or any of the subjects, most importantly perpetrators of crimes or members of law enforcement.

● Awareness
○ Language describes the way the book or the writing might have demonstrated or advocated for awareness for the rights of victims, social issues, or other significant circumstantial details.

For the purposes of the research, I also made note of whether or not the review had used this language to positively or negatively evaluate the book’s ethics, to help further evaluate how well *I’ll Be Gone in the Dark* adheres to the ethical standards explored in the scholarly research. For further clarification, the following is a table that depicts the contents of three selected reviews, the ethical language (or lack) contained in the reviews, and the ranking the reviews received. The specific ethical language used is underlined.

<table>
<thead>
<tr>
<th>Content of Goodreads Review</th>
<th>Categories of Ethical Language</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>“This was my first True Crime novel. I loved it! Ms. McNamara did an excellent job!”</td>
<td>n/a</td>
<td>NCE</td>
</tr>
<tr>
<td>“Well researched and chillingly detailed!”</td>
<td>Research (positive)</td>
<td>CE</td>
</tr>
<tr>
<td>“Chilling and evocative, McNamara's research brings humanity and emotion to a then-cold case. GSK's crimes were horrific and gruesome, but here they are represented by the lives of their victims and the neighbourhoods GSK terrorised, not the gory details of his fantasies. It is ultimately an emotional and warm dedication to McNamara's life-long obsession with unsolved crimes and the work she put in to try and find GSK.”</td>
<td>Humanization (positive), Sensationalism (positive)</td>
<td>SCE</td>
</tr>
</tbody>
</table>

**DATA**

Of the 200 reviews analyzed, 144 reviews were ranked NCE, 38 were ranked CE, and 18 received a rank of SCE. The pie chart below depicts these rankings by percentage.
Of reviews collected, 56, or 28 percent, mentioned ethics in some capacity, with ethics or ethical language being mentioned or used a total of 78 times. The following bar graph displays the frequency at which each category appeared in the reviews.
Humanization was mentioned 21 and thus the most frequently, followed by Clarity (16 times), Sensationalism (15 times), Research (11 times), Awareness (9 times) and Glorification (6 times).

The final bar graph that follows displays the frequency with which the review offered a positive or negative evaluation of the ethical categories.

In all categories except for Clarity, the reviews showed a positive evaluation of the ethical categories discussed.

**ANALYSIS**

This data captured from Goodreads only serves as a snapshot—statistically and scientifically speaking it is not significant, but it is enough information to begin answering whether or not readers engage with the ethics of true crime, and what their primary concerns are.
Because 28 percent of the reviewers mention ethics in some capacity (even if ethics aren’t explicitly mentioned, or the reader themselves did not necessarily consider their review to be related to ethics), it seems fair to say that to a notable degree, readers are concerned with ethics in true crime. Not every person for whom these ethics matter necessarily mentioned that in their review—meaning that 28 percent is actually the minimum percentage of the 200 readers who took note of the ethical considerations of *I’ll Be Gone in the Dark* in any capacity. Although only 9 percent of the reviews collected expressed a significant of conscious concern for ethics, it’s actually the 18 percent of reviews that expressed a passing concern that are of the most interest, because it gestures to the idea that readers might be engaging with ethics of a true-crime book subconsciously, and that engagement with the ethics is most likely coloring their opinion of the work since it’s emerging either in a critique or in praise.

Humanization was the ethical category of most frequently alluded to by the reviews captured in this study, followed closely by Clarity, then Sensationalism. Research and Awareness were of middling concern, and Glorification was mentioned the least. This suggests that readers are paying close attention to how human subjects of true crime are being depicted and how clearly, and un-gratuitously the information is being presented. The response to the ethics *In I’ll Be Gone in the Dark* by these reviewers was overwhelmingly positive. In only one category, Clarity, was the response more negative than positive. This particular category may have been complicated by the format in which the book was being read—for instance one reviewer wrote “[at] times I found it very difficult to follow. . .Perhaps that’s just because I read it on a Kindle and couldn’t flip back to maps and the cast of characters easily, but I still found myself getting lost.” Other reviewers mentioned similar challenges with the audiobook. This
presents an interesting challenge specifically for the publisher: how to release a work of true crime in multiple formats if some of those formats might compromise an ethical aspect of the book? Because of the overall net-positive response to *I’ll Be Gone in the Dark* by the reviews captured for this survey, it seems that this book is one that upholds the ethical standards discussed fairly closely. Readers perceived that it was well-researched, the subjects were humanized, there was relatively little sensationalism, little glorification of law enforcement or murderers, it demonstrated social awareness, but was somewhat lacking in clarity.

**Limitations**

This project has several limitations in scope. At the moment, the data gathered is only a small portion of the data available from a single review aggregator, and analyzed by a single person, with no other analysts to balance or correct her errors, oversights, or biases that have the potential to color the interpretation and collection of data. The sentiment analysis only covers reactions to a single work of true crime—one that was well-reviewed critically, which may have influenced amateur reviewers.

To elaborate and confirm the standard suggested in this paper, further research is necessary. One strategy would be to broaden the scope of the paper to include reviews of other true crime books or critical (as opposed to scholarly or amateur) reviews. Another strategy would be to broadly distribute a survey that asks subjects questions directly about their perceptions of ethics in true crime literature, as opposed to waiting for these perceptions to appear in contexts unrelated to ethics or morality. It would also be valuable to see if there is a correlation between positive evaluations of a book’s ethics with positive reviews or high sales numbers to affirm that
publishers should be interested in a standard. Though I’ll discuss the role of presses in creating and upholding this standard in my conclusion, interviews with book publishing professionals would add a useful evaluation of what changes need to be implemented by publishers of true crime and how they would affect finances, operations, and other elements of the industry.

CONCLUSION

While most of the research in this paper is concerned with the writers and researchers of true crime, publishers serve as gatekeepers that largely dictate the funding of these projects, whether or not they’re acquired, how the book is physically produced, and the target audience of the book. For an ethical standard to be effective, there would have to be an implicit agreement that publishers would uphold it. It would require publishers to vet authors maybe more vigorously than ever before. Editors and project managers would have to include ethical considerations in their critiques, which would have to at least in part take place concurrently with the research to ensure the standard is being met. As demonstrated by the reviews of *I’ll Be Gone in the Dark*, it will also require new ways of problem solving when certain formats of the book might be unclear or otherwise misrepresent the information in the book. These shifts could potentially widen the audience for true crime to be inclusive of people who had previous ethical qualms with the genre. And regardless of financial benefits, it’s hard to argue for ignoring ethical standards in any industry in good conscience. That a book be well-researched, clear, humanizing, non-sensationalist, non-glorifying, and socially aware is well within the realm of what can be expected from authors and publishers of true crime.
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BIBLIOGRAPHY


