Making an Audience: An Analysis of Making a Murderer

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MAKING AN AUDIENCE: AN ANALYSIS OF *MAKING A MURDERER*

by

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ABSTRACT

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Steven Avery was released from prison on September 11, 2003, after serving 18 years for a sexual assault he did not commit. Avery was back behind bars in merely two years for a different crime, the murder of 25-year-old Teresa Halbach (Demos & Ricciardi, 2015). This multifaceted story is the focus of the Netflix true-crime series *Making a Murderer,* a serialization that became "a word-of-mouth true-crime phenomenon" (Itzkoff, 2016) upon its release on December 18, 2015. In this thesis, I aimed to reveal the meanings audience members derived from *Making a Murderer* and to connect these meanings to the new media environment. Situated in the field of cultural studies and working from an audience studies perspective, I conducted ten interviews with *Making a Murderer* viewers. Through a thematic analysis of participants' responses, I identified one primary theme and a sub-theme. The primary theme, titled "important television," describes participants' belief that *Making a Murderer* was exceptionally meaningful and raised awareness of inequities in the criminal justice process. Its sub-theme, titled "biased television," explains respondents' concern with and understanding of an apparent bias in the series. Upon further analysis, I noted a disjunction between the message the film makers attempted to send and the message that was received, which resulted in a more localized understanding of the issues highlighted in the series. Furthermore, I identified the impact of new media on audience perception of *Making a Murderer*.

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CHAPTER ONE: INTRODUCTION

Steven Avery was released from prison on September 11, 2003, after serving 18 years for a sexual assault he did not commit. Avery's freedom was short-lived, however, as he was back behind bars in merely two years for a different crime, the murder of 25-year-old Teresa Halbach. Avery was arrested for this crime in the midst of pursuing a $36 million lawsuit against the Manitowoc County sheriff's department – the county in which Halbach was murdered and Avery still lived. This multifaceted story is the focus of the Netflix series *Making a Murderer.* Since its release on December 18, 2015, the series has garnered significant attention from pundits and the public (Griffin, 2016; Merry, 2016; Mumford, 2016). Netflix does not release ratings statistics, but reactions on social and traditional media suggest the series had tremendous success (Vielmetti, 2015; Whitworth & Rivalland, 2016).

While some regard the series as compelling (Lee, 2016; Thomas, 2015) and even remarkable (Ramaswamy, 2016), *Making a Murderer* has been widely criticized in the news media for excluding information, thereby promoting Avery's innocence (Butler, 2015; Merry, 2016; Mumford, 2016; Schulz, 2016). Like many of my peers, I watched *Making a Murderer* soon after it was released, during my winter break from college. I decided to watch the series after noting the myriad of posts dedicated to it on my newsfeed; I was especially intrigued when I learned that the events portrayed in the film occurred in my home state (I had no previous knowledge of the case). As I watched, I wondered, what about this program captivated so many people? And what, if anything, did viewers gain from watching the series? An article from *The New Yorker* written by

Kathryn Schulz (2016) further sparked my interest in audience reception of *Making a Murderer*. Schulz noted:

> we still have not thought seriously about what it means when a private investigative project—bound by no rules of procedure, answerable to nothing but ratings, shaped only by the ethics and aptitude of its makers—comes to serve as our court of last resort.

Schulz' observation alludes to another element of interest, the impact of the evolving media environment on viewers' engagement with *Making a Murder.* Distributed on Netflix, created by amateur film makers, and a topic of intense debate on social and traditional media, *Making a Murderer* reflects many of the opportunities afforded by the "digital revolution" (Macnamara, 2013; Pearson, 2010). Investigating audience experience with new media is crucial as we grapple with another major stage (Macnamara, 2013;), or "critical juncture," in media and communication (McChesney, 2013). As stated by Jenkins and Deuze (2008), "we are living at a moment of profound and prolonged media transition: the old scripts by which media industries operated or consumers absorbed media content are being rewritten" (p. 5) and the impact of these developments on individuals' everyday lives warrants close and critical study (Macnamara, 2013).

To wrestle with my questions about *Making a Murderer* and the present moment in media and communication, I turned to this project. In this thesis, I reveal the meanings audience members derived from *Making a Murderer*. Then, I connect these perceptions to the media developments that have impacted the production and consumption of non-fiction, long-form media. Making this connection will allow me to then address the implications of an independent, amateur documentary series serving as "our court of last resort" (Schulz, 2016.).

Background of Study

Making a Murderer was wildly popular across demographic groups (Schulz, 2016; Tassi, 2016). Popular press, including *The New Yorker, Rolling Stone, Forbes,* and *The New York Times,* wrote regularly about the series and its aftermath. The *Making a Murderer* Reddit page accrued 65,278 readers by April 8, 2016 ("Making a Murderer," 2016), and has become a space for viewers, sometimes dubbed "armchair detectives" (Horgan, 2015; Shattuck, 2015; Ramaswamy, 2016), to discuss alternative theories about who murdered Halbach (Schulz, 2016; Victor, 2016a). Furthermore, an online petition that called on President Obama to pardon Avery accumulated 523,970 signatures on April 8, 2016 (Seyedian, n.d.). Whether it is the alleged bias of the Manitowoc County Sheriff's Department, the problematic interrogation of a 16-year-old boy with a learning disability, who was named as Avery's accomplice, or the eccentricity of the Avery family, people were talking about *Making a Murderer.*

Film makers Moira Demos and Laura Ricciardi were graduate film students at Columbia University when they became interested in Avery's story. After reading an article on his case in *The New York Times*, the pair decided to drive to Manitowoc County to "test the waters." Soon, Demos and Ricciardi became convinced that Avery's story provided a unique and important window into the criminal justice system (Browne, 2016). The pair spent a decade filming the trial, conducting interviews, and gathering materials, moving back and forth between New York and Wisconsin, and living in Manitowoc County for a year and a half. After the project was rejected by networks including HBO and PBS, Demos and Ricciardi submitted a proposal to Netflix in 2013, and were ultimately granted permission to distribute through the streaming service

(Murphy, 2015). Without significant financial resources, initial support from a production company, personal connections to the case, or professional status, Demos and Ricciardi created one of Netflix's most successful programs (Tassi, 2016).

Summary of the story. In the 1980s, the Avery family lived on Avery Road in Manitowoc County, Wisconsin, where they owned and operated an automotive salvage yard (Demos & Ricciardi, 2015). Manitowoc County was a predominantly white area (94%) with a median household income of $48, 398 (the national average was $55,775) and a 10% poverty rate (United States Census Bureau, 2015). Located on Lake Michigan, Manitowoc is about 170 miles south of Chicago and approximately 80 miles north of Milwaukee. The city of Manitowoc had a population of approximately 30,000 (Hamilton, 2016).

The Avery's were known as outsiders of the Manitowoc community (Hale, 2015). They were considered to be poor, uneducated, odd, and violent. Multiple family members had criminal records. Steven Avery's criminal history included burglary and cruelty to an animal. In 1985, Avery drove his cousin, Sandra Morris, off the road and pointed an unloaded gun at her because he heard that she was spreading a rumor that he engaged in sexual behavior on his front lawn as Morris drove by (Demos & Ricciardi, 2015).

Penny Beernsten, a well-known and respected Manitowoc County citizen, was jogging along Lake Michigan on the afternoon of July 29, 1985, when a man wearing a black leather jacket grabbed her, dragged her into the woods, and brutally beat and sexually assaulted her. Beernsten survived. When Beernsten described her assailant to the deputy sheriff assigned to the case, Judy Dvorak, the sheriff allegedly stated, "that sounds like Steven Avery." Coincidentally, Dvorak was a close friend of Steven's cousin, Sandra

Morris. Avery was arrested that night in connection with the assault (Demos & Ricciardi, 2015). Although Avery had an alibi and 16 alibi witnesses for the day Beernsten was assaulted, he was convicted of sexual assault, attempted murder, and false imprisonment (Chandler, 2006). He was sentenced to 32 years in prison. After serving 18 years and six weeks of his sentence, DNA evidence exonerated Avery and implicated a man already in prison for a different sex crime, Gregory Allen (Demos & Ricciardi, 2015).

In the aftermath of his release, Avery's lawyers uncovered evidence suggesting that Manitowoc County officials may have known, or should have known, that Allen was a viable suspect in the assault of Beernsten, yet failed to investigate him. In 1983, Manitowoc police arrested Allen for stalking a woman and exposing himself to her on the same beach where Beernten was assaulted. Allen was prosecuted for this crime by Denis Vogel, who would also prosecute Avery for the assault of Beernsten. At the time of the Beernsten assault, Allen was under surveillance by Manitowoc police due to sex crime complaints. However, these officers were asked to attend to other crimes on the day Beernsten was attacked (Demos & Ricciardi, 2015). Days after the assault, local police visited the sheriff's department and reported their concern that Allen committed the crime, yet the department declined to investigate (Schulz, 2016). In 1995, a Manitowoc County jail officer received a call from a detective from a neighboring county who stated that a prisoner in his custody confessed to committing a sexual assault in Manitowoc County, a crime that another person (Avery) had been accused and convicted (Chandler, 2006). When the message was forwarded to the Manitowoc sheriff's office, Sheriff Kocourek dismissed the confession and told his deputies, "We already have the right guy. Don't concern yourself with it" (Chandler, 2006). In other words, the Manitowoc County

sheriff's department had sufficient reason to reopen the case against Avery at multiple times during his incarceration, but continually refused to do so because they believed that they had convicted the right person (Schulz, 2016). As mentioned, Avery was not released from prison until DNA evidence proved his innocence. His release date was September 10, 2003 (Demos & Ricciardi, 2015).

When Avery was released he met with state officials, such as the governor and a legislator, to tell his story and discuss potential reform policies. The Avery task force was created to take a closer look at how Avery was convicted and to prevent future wrongful convictions. Avery became America's "latest cause célèbre of the movement to free the unjustly imprisoned" (Chandler, 2006). Interest in Avery's experience continued when Avery and his lawyers decided to pursue a civil suit against Manitowoc County, the former sheriff, Tom Kocourek, and the former district attorney, Denis Vogel (Demos & Ricciardi, 2015). According to Stephen Glynn, Avery's civil rights lawyer, the suit was filed for "the loss of [Avery's] freedom and punitive damages for the reckless or indifferent behavior of the defendants" (Demos & Ricciardi, 2015). Then, in 2005, Avery became a suspect in a murder investigation.

Teresa Halbach, a 25-year-old freelance photographer from Manitowoc County, arrived at Steven Avery's home to photograph a Dodge Caravan for one of her clients, *Auto Trader* magazine, on October 31, 2005. Halbach was never seen alive again. On November 5, 2005, Halbach's car was found on Avery property, in the salvage yard owned by his family. Three days later, Halbach's car key was found in Avery's bedroom with his DNA on it. Avery's blood and sweat were found in Halbach's car and charred human remains, a cell phone, and a camera were recovered from Avery's fire pit

(Chandler, 2006). Avery was arrested and held in jail to await his trial. The Calumet County (a neighboring county) sheriff's department took the reins of the investigation due to Avery's pending civil suit against the Manitowoc County sheriff's department (the case was settled out of court for $400,000 in February of 2006). Amid these developments, on November 1, 2005, the state legislature passed the Avery Bill, legislation that mandated a series of criminal justice reforms (Demos & Ricciardi, 2015).

The Manitowoc County district attorney, Mark Rohrer, assigned Calumet County district attorney Ken Kratz as special prosecutor to the Halbach case to "avoid any appearance whatsoever of any impropriety" (Demos & Ricciardi, 2015). Despite this appointment, several instances of police and prosecutorial misconduct occurred throughout the investigation and trial (Schulz, 2016). Although Kratz stated in a press conference that the Manitowoc County sheriff's department was merely allowed to "provide resources" for the investigation, it was Manitowoc's lieutenant James Lenk, who found Halbach's car key in Avery's bedroom - after the property had already been searched six times. An evidence box containing Avery's blood on file from the 1985 case had two broken seals - a sign that the box had been tampered with. The vial of blood inside the box had a hole approximately the size of a hypodermic needle in the top. Finally, Avery's 16-year-old nephew, Brendan Dassey, who is identified in *Making a Murderer,* series as having a learning disability and a low IQ (73), was named as an accomplice to the crime. Investigators' questionable treatment of Dassey during interrogations has been criticized (Timm, 2016; Vielmetti, 2015). Not only did investigators question Dassey before his mother granted permission, the investigators interrogated him four times without a lawyer present and utilized controversial

interrogation tactics (Schulz, 2016; Timm, 2016). During these interrogations, Dassey incriminated himself in the rape and murder of Halbach. Taken together, Avery's attorneys, Dean Strang and Jerry Buting, believed the evidence of misconduct suggested that Avery had been framed by the Manitowoc County sheriff's department, and they constructed their case around this argument (Demos & Ricciardi, 2015).

Avery's trial lasted more than a month, and jurors deliberated for more than 20 hours before returning a verdict of guilty of being a felon in possession of a gun and first-degree intentional homicide (Kertscher, 2007). Avery was sentenced to life in prison with no chance of parole (Demos & Ricciardi, 2015). Dassey was also found guilty of first-degree intentional homicide, in addition to mutilation of a corpse and second-degree sexual assault. He was sentenced to life in prison with a potential for parole in 2048 (Lewis, 2016). As of March 3, 2017, both Avery and Dassey remain imprisoned, but maintain their innocence (Kertscher, 2017).

Avery acquired a new lawyer, Kathleen Zellner, in January of 2016, mere weeks after the release of *Making a Murderer.* In August of 2016, Zellner filed a court order for additional testing of evidence. The order was granted and the evidence was sent to the Wisconsin state crime lab in December of 2016 (Dirr, 2016). There have been no further developments in Avery's case as of March 3, 2017.

Professors Steven Drizin, Laura Nirider, and Thomas Geraghty of Northwestern University and The Bluhm Legal Clinic's Center on Wrongful Convictions of Youth, took on Dassey's case in 2008 (Northwestern, 2016). On August 12, 2016, a federal judge overturned Dassey's conviction and ordered that he be released from prison within 90 days unless a new trial was scheduled (Victor, 2016b). On December 21, 2016,

the Wisconsin Department of Justice (DOJ) appealed the ruling. The state department began oral arguments for this appeal on February 14, 2017. As of March 3, 2017, the appeals panel had not issued a ruling. It is estimated that the decision will not be delivered for several months (Kertscher, 2017).

Reactions to *Making a Murderer*. Critics praised *Making a Murderer* for being highly entertaining (Armstrong, 2016; Butler, 2015; Griffin, 2016; Lee, 2016; Mumford, 2016; Slagter, 2016; Thomas, 2015; Vielmetti, 2015). The compelling nature of the series in combination with the ability to stream all ten episodes in a row made *Making a Murderer* a show worthy of "binge-watching" (Lee, 2016; Merry, 2016; Slagter, 2016; Timm, 2016; Vielmetti, 2015). While critics described *Making a Murderer* as "engrossing" (Butler, 2015) and "gripping" (Armstrong, 2016), they often qualified the statement with commentary on the ethical implications of true-crime (Gustafson, 2016; McNamara, 2015; Ramaswamy, 2016; Schulz, 2016; Thomas, 2015; Vielmetti, 2016). Thomas (2016) questioned whether the series "cross[ed] the line from informative to exploitative." McNamara (2015) identified the problematic nature of offering up the Avery and Halbach families "for our binge-loving entertainment." Jay Olstad, a former reporter for WLUK-TV in Green Bay who covered Avery's trial, reported that his wife watched the series while he refrained. Olstad argued that because this story ended with a woman dead, two families broken apart, and two people in jail, the series should not be described as entertainment (Gustafson, 2016). The Halbach family issued a statement prior to the release of *Making a Murderer* that echoed Olstad's comment:

> Having just passed the 10-year anniversary of the death of our daughter and sister, Teresa, we are saddened to learn that individuals and corporations continue to create entertainment and to seek profit from our loss. We continue to hope that the story of Teresa's life brings goodness to the world. (Miller & Matesic, 2015)

This is the only public statement the Halbach's have released about the series. The Avery family did not release a collective, public response to the series.

As mentioned previously, media pundits have criticized *Making a Murderer* for excluding critical information to promote Avery's innocence (Butler, 2015; Gustafson, 2016; Merry, 2016; Mumford, 2016; Schulz, 2016; Vielmetti, 2015; Whitworth & Rivalland, 2016). Elizabeth Ries, a former journalist for WBAY-TV in Green Bay who covered Avery's trial, was interviewed by the *St. Paul Pioneer Press* about her reaction to *Making a Murderer.* Ries commented, "I do think that the evidence that's being presented in this docu-series is being presented in a way to tell a story to make a case that Steven Avery was wrongfully convicted" (Gustafson, 2016). Manitowoc County officials, including special prosecutor Ken Kratz, and sheriff Robert C. Hermann, have also voiced their disapproval of the series. Hermann told the *Herald Times* that the film makers "have taken things out of context" (Vielmetti, 2015). In an interview with *Nightline,* Kratz stated that *Making a Murderer* "is not a documentary at all. It's still a defense advocacy piece" and criticized the way the film makers put the series together, arguing that it "causes only one reaction and only one conclusion: that Mr. Avery was innocent and that he was the subject of planted evidence" (Torres, Louszko, Effron, & Newman, 2016). Hermann and Kratz reported that the Manitowoc county sheriff's department received hate mail and death threats from around the world after the series was released (Vielmetti, 2015).

To learn more about perceptions of bias in *Making a Murderer*, I reviewed news articles that presented information the film makers had excluded. Critics reported occurrences of physical and sexual violence at the hands of Avery that were not

mentioned in the series (Cavazini & Lance, 2016; Chandler, 2006; McBride, 2015). In an interview with *HLN* (a national television network), Jodi Stachowski, Avery's girlfriend at the time of the crime, revealed that Avery had been abusive toward her throughout their two-year relationship and threatened to kill her loved ones if she did not comply with his demands (Cavazini & Lance, 2016). Furthermore, *Milwaukee Magazine* reported that Avery had been arrested for violating a disorderly conduct ordinance after a fight with Stachowski (Chandler, 2006). McBride (2015), an investigative reporter and senior lecturer in the journalism department at the University of Wisconsin-Milwaukee, wrote a piece for *On Milwaukee* digital magazine entitled "14 Pieces of Troubling Evidence 'Making a Murderer' Left Out or Glossed Over." McBride reported that Halbach had previously visited Avery's home to photograph a vehicle, a separate instance from the day she went missing. On this occasion, Avery answered the door in a towel (McBride, 2015). A co-worker of Halbach's stated that Avery called *Auto Trader*, gave a different name than his own, and specifically requested Halbach on the day that she died (McBride, 2015). Avery called Halbach's cell phone three times, twice from a restricted number to conceal his identity, on the day she went missing (Ramaswamy, 2016). According to Avery's fellow inmates during his incarceration for the Beersten assault, Avery discussed and designed a torture chamber he planned to build once he was released from jail. Court documents that were filed by special prosecutor Kratz indicated that while Avery was in prison he specifically planned the torture and killing of a young woman. The filings also included two affidavits from women who stated Avery had previously raped them. Finally, crime scene evidence was excluded from the documentary. A bullet, found in Avery's garage with Halbach's DNA on it, came from a

type of rifle that Avery owned. Dassey told investigators that the bullet came from Avery's rifle and explained where Avery kept it in the garage. Dassey's mother also told investigators that her son helped Avery clean his garage floor sometime around Halloween, which could account for the lack of blood found by investigators (McBride, 2015). A review of information excluded from *Making a Murderer* reveals a darker side of Avery than the image presented in the series and provides support for the claim that the film makers omitted evidence to bolster the argument for Avery's innocence (Cavazini & Lance, 2016; Chandler, 2006; McBride, 2015).

After Demos and Ricciardi were accused of crafting the story in a way that solely reflected Avery's innocence, Ricciardi explained in an interview with *Nightline* that asking "bigger questions about the system" was the intent behind the series (Torres et al., 2016). In an interview with *Rolling Stone* Ricciardi added:

> we have no stake in the outcome of the trial. We have no stake in whether Steven is innocent or guilty. What a risk we would have taken as film makers to devote all our resources and time to a case if it was going to hinge in [*sic*] a particular outcome. (Browne, 2016)

One of Avery's defense lawyers, Dean Strang, told *The Guardian* he believed *Making a Murderer* would "foster a larger conversation about the systemic weaknesses in the way we administer criminal justice" (Ramaswamy, 2016). Critics argued that Demos and Ricciardi succeeded in illuminating such flaws (Lee, 2016; Slagter, 2016; Thomas, 2015; Timm, 2016; Whitworth & Rivalland, 2016). Butler (2015), of *The Washington Post,* credited Ricciardi and Demos with producing "a fascinating, often devastating look at the criminal justice system." McNamara (2015), a television critic for *Los Angeles Times,* described the series as "a chilling reminder that the criminal justice system has many more sides than scripted television's carefully curated tales of 'law and order.'"

Similarly, in an opinion piece for *The New York Times*, Griffin (2016), a former federal prosecutor and professor at Duke Law School, characterized *Making a Murderer* as distinct from previous popular culture portrayals of justice. Unlike procedural crime dramas wherein forensics leads to objective results and truth is revealed, *Making a Murderer* emphasized that courtrooms are often dysfunctional and "distortions" frequently occur in the justice system (Griffin, 2016). Griffin also praised the series for its lack of resolution, because, in reality, "one rarely finds out 'what really happened'" and "resolution and justice are not the same thing." Critics commended the series' recognition of the influence of class on outcomes of trials (Findley, 2016; Hale, 2015). Finally, Ries stated the major takeaway from *Making a Murderer* was taking a critical look at the justice system to hold law enforcement accountable for the existing rules and standards to ensure a fair trial (as cited in Gustafson, 2016).

Making a Murderer is categorized as a documentary on Netflix (Smith, 2016) while Demos and Ricciardi described the series as both a documentary and an investigative project (Schulz, 2016). In the following section, I discuss the conventions of and contemporary issues surrounding both formats. This discussion is not intended to argue for a "correct" classification of *Making a Murderer*. Instead, I outline both traditions so that I may more effectively connect audience members' perceptions of the series to the evolving media environment.

Documentary and Investigative Journalism

Although film makers classified documentary as a type of nonfiction film in the 1930s, its precise definition continues to be debated today (Plantinga, 2013; Stallabrass, 2013). Scholars commonly refer to the definition posited by Richard Grierson, a Scottish

filmmaker, as a starting point (Bonner, 2013). Grierson defined documentary as "the creative treatment of actuality" (as quoted in Mathew, 2014, p. 19). Bill Nichols, one of the most influential and widely cited writers on documentary (Bonner, 2013; Bruzzi, 2006), posited a more precise definition:

> Documentary film speaks about situations and events involving real people (social actors) who present themselves to us as themselves in stories that convey a plausible proposal about, or perspective on, the lives, situations, and events portrayed. The distinct point of view of the filmmaker shapes this story into a way of seeing the historical world directly rather than into a fictional allegory. (Nichols, 2010, p. 14)

Yet, Nichols warned this definition is still too basic. It is difficult to define documentary because it is a "fuzzy concept" (Nichols, 2010); a documentary makes truth claims based upon events in the real world, yet the text cannot *be* reality, it can only *represent* a version of reality from the perspective of the creator.

Documentary film makers use a variety of techniques to establish their "voice," or the perspective taken in the film. The voice is constituted by the organization, style, use of sound, and framing of shots in the film as well as the filmmaker's character and creative vision. The decisions to use certain conventions over others, such as archival data and interviews instead of reenactment, result in a more or less explicit point of view. The most explicit type of voice is one that is conveyed through voice-over commentary, because spoken or written words address the audience directly. A documentary that strives for a less explicit voice may utilize additional means, such as archival data, instead of voice-over commentary. Such documentaries are called "compilation films." In this type of program, the filmmaker conducts interviews and collects archival data in order to weave different accounts into a larger narrative. The filmmaker's voice emerges from the way in which the film is organized rather than through a narrator. In other

words, compilation films advance an argument through implication as opposed to directly stating the proposed thesis.

While documentaries are traditionally "serious," or use a journalistic style to prioritize education and awareness of the issue at hand (Corner, 1995), documentarians must also create an entertaining product (Bonner, 2013). Documentary film makers adopt techniques from commercial media, such as scripting, staging, and using a narrative structure, to craft an engaging story. Incorporating conventions traditionally associated with commercial media blurs the boundaries between documentary and other media formats, including popular, fictional programs and news media. Nichols (2010) described the division between documentary and fiction as "a matter of degree, not a black-and-white division" (Nichols, 2010, p. 12). Caty Borum Chattoo (2016), author of "The State of the Documentary Field: 2016 Survey of Documentary Industry Members," identified that documentary has always "cross[ed] fluidly between journalism and entertainment." Divisions between documentary and other media formats are becoming less distinct as media producers vie for consumer's attention and are forced to distribute media effectively on multiple platforms (Jenkins, 2004; Jenkins & Deuze, 2008; Killewbrew, 2003). These pressures reflect our "convergence culture" in which:

> Media companies are learning how to accelerate the flow of media content across delivery channels to expand revenue opportunities, broaden markets and reinforce consumer loyalties and commitments. Users are learning how to master these different media technologies to bring the flow of media more fully under their control and to interact (and co-create) with other users. Sometimes, these two forces reinforce each other, creating closer, more rewarding, relations between media producers and consumers. Sometimes the two forces conflict, resulting in constant renegotiations of power between these competing pressures on the new media ecology. (Jenkins & Deuze, 2008, p. 6)

As is the case with all media, media convergence has greatly influenced the production and consumption of documentaries (McQuail, 2010; Murley, 2008). Digital technologies have reduced the costs of production for documentary film makers, given more people the opportunity to create media, and allowed for the development of new distribution platforms, such as streaming services like Netflix and Hulu (Goldson, 2015). Advances in technology have impacted investigative journalism in similar and different ways.

Kaplan (2013) defined investigative journalism as "systematic, in-depth, and original research and reporting, often involving the unearthing of secrets…its practice often involves heavy use of public records and data, with a focus on social justice and accountability." Investigative journalism is becoming more valuable as the mainstream news agenda becomes increasingly trivial (Chanan, 2007; Goldson, 2015; McChesney, 2013). A 2014 report published by American University's Center for Media and Social Impact (CMSI) entitled, "Dangerous Documentaries: Reducing Risk When Telling Truth to Power" explored the experiences of documentary film makers and investigative journalists when focusing on contentious subjects involving powerful individuals and institutions. It is explained that:

> Many of the issues that are most important for our society to recognize and discuss, however, are also issues that powerful people or institutions don't want made public. Non-fiction film makers who take on the task of bringing these issues to light often find themselves facing aggressive attack from individuals, governmental bodies, businesses and associations with substantial connections and resources at their disposal. (CMSI, 2014, p. 4).

Goldson (2015) also commented on the increasing risk involved in "telling truth to power." She argued that when documentaries appeared on broadcast television there was a drastic decrease in political dissidence, experimentation, and critique. Therefore, new

distribution platforms are crucial to continuing to produce and consume long-form, investigative media that is less hindered by powerful media institutions (Goldson, 2015).

Although the boundary between documentary and other media formats has always been fluid (Chattoo, 2016; Nichols, 2010), the CMSI (2014) report also explored the similarities between documentary and investigative journalism to better understand this relationship in the present media context. Through conversations with investigative journalists, documentarians, funders, lawyers, and insurers, extensive research, and participation in public events, the scholars found that both documentary and investigative journalism purport to serve the public, have a commitment to telling the truth and fact-checking, and aim for transparency in the research process. This report found no major difference between the core missions of journalism and documentary; both traditions generally aim "to explore a subject of public interest honestly and compellingly" (p. 5). Investigative journalists and documentarians also have similar ethics codes, such as serving the public and not fabricating information. There is no professional credential for journalists or documentary film makers. In both traditions, a person may practice without receiving a degree; those who went to journalism or film production school are "no more recognized" than those who did not seek a degree (CMSI, 2014).

The greatest difference between journalism and documentary is that journalists strive for balanced reporting while documentary film makers create an "acknowledged perspective" rather than a full picture of the situation (CMSI, 2014). Documentary film makers aim "to be seen as fair, but not necessarily balanced; they treasure the emotional power and resonance of a point of view, both of subject and of maker" (CMSI, 2014, p. 7). On the other hand, investigative journalism strives to include all sides of a story.

However, the goals of "balance" and "objectivity" are becoming increasingly difficult for investigative journalists to attain (McChesney, 2013). According to the CMSI report, "the user-centric environment has forced a closer consideration of the reasons journalists select the stories, interviewees and narrative framework they do" (CMSI, 2014, p. 7). McChesney (2013) and Maharidge (2016) acknowledged the pressure placed on journalists during this time of disarray; journalists are expected to produce more content in less time for less money.

Some scholars argue that documentary will assume the role of investigative journalism as fewer and fewer resources are allocated to investigative projects due to the economic difficulties facing traditional news media (Chanan, 2007; Goldson, 2015; Raven, 2001). As mentioned, film makers' ability to distribute their documentaries on alternative, less conventional platforms, or to self-distribute online, enables them to take political and formal risks. However, this ability also enables film makers to stray from journalistic standards of balance and objectivity (Goldson, 2015, Vos, 2015). Therefore, Goldson (2015) and the CMSI (2014) argued that the implementation of journalistic practices in documentary is paramount. Media producers, whether they consider themselves journalists, film makers, or something else, should adhere to and be observed adhering to journalistic standards (CMSI, 2014; Goldson, 2015).

This discussion outlined the traditional components of documentary and investigative journalism as well as commented on the challenges facing these media formats in the digital age. This knowledge will enable me to make meaningful connections between audience members' perceptions of *Making a Murderer* and new

media developments. With this background, I move forward to formally introduce my study.

Preview of Study

Making a Murder was consumed by a large audience and generated a great deal of conversation and controversy, and therefore justifies close examination akin to previous research on popular media (e.g., Specht & Beam, 2015; Van Damme, 2010; Washington, 2012). Based on an understanding of Avery's story, drawn from *Making a Murderer* and media reactions to the program, and an overview of documentary and investigative journalism, I present an audience reception analysis of the series. Through interviews with ten audience members, I explore the meanings viewers derived from *Making a Murderer*. Furthermore, I connect participants' perceptions to the contemporary media environment. In the following chapter, I introduce the field of cultural studies as the overall framework for the study and Hall's (1980) theory of encoding and decoding as a conceptual tool. A review of audience studies, including traditional and recent scholarship in the field, is also included, as is the research question. In chapter three, I present interviewing as the ideal methodology for this study. I explain the benefits and challenges surrounding interviews and provide a detailed description of the interview process. The analysis procedure, thematic analysis, will also be reviewed. In chapter four, I establish and interpret the themes. The final chapter presents recommendations, limitations, directions for future research, and conclusions.

CHAPTER TWO: THEORETICAL FRAMEWORK

Introduction

In this chapter, I establish the framework that guides this study, the field of cultural studies. I then describe Hall's (1980) theory of encoding and decoding and explain how I will apply this model to further understand viewers' interpretations of *Making a Murderer.* An overview of the tradition in which this study is situated, audience studies, will then be presented. Next, I outline traditional and contemporary audience studies scholarship. Lastly, I introduce the guiding research question of the study.

Cultural Studies

The field of cultural studies is an intellectual and political project concerned with describing the ways people's day-to-day lives are communicated by and with culture (Grossberg, 2010). Cultural studies scholarship emphasizes that communication happens within a specific context constituted by social, historical, and political factors that impact the reception of messages (Brennen, 2013). Furthermore, Radway (1988) described cultural studies work as the

> study of the production of popular culture within the everyday as a way of trying to understand how social subjects are at once hailed successfully by dominant discourses and therefore dominated by them and yet manage to adapt them to their own other, multiple purposes and even to resist or contest them. (p. 368)

Cultural studies scholars recognize mass media as having power to influence and produce identities, relationships, and communities (Lindlof & Taylor, 2011). As explained by Grossberg (2010), this framework purports that "what culture we live in, cultural practices we use, cultural forms we place upon and insert into reality, have consequences

for the way reality is organized and lived" (p. 24). Therefore, media texts, such as *Making a Murderer,* are not simply products of a culture, they *are* culture (Lembo, 1994).

The field of cultural studies emerged as a school of research in the mid-1970s and is associated with the pioneering work of the University of Birmingham's Centre for Contemporary Cultural Studies (CCCS) (Gray, 2007; Hall, 1990; Williams, 1989). Scholars at the CCCS formed this paradigm in response to their criticisms of existing fields of study, like literature, linguistics, and sociology (Rodman, 2014). Cultural studies scholars wanted "to find a way to hold onto the complexity of human reality" (Grossberg, 2010, p. 16) and felt that the existing frameworks and tools were not sufficient for this kind of work. Consequently, the field of cultural studies was created through bringing together and expanding upon concepts from a mix of disciplines; it is an inherently interdisciplinary task (Hall, 1980).

In the simplest terms, conducting research within cultural studies challenges scholars to ask the following of their object of study, "what does [this object] have to do with everything else?" (Rodman, 2014, p. 54). Rooting this analysis in the field of cultural studies enables me to focus on audience members' reception of *Making a Murderer* while also making connections to institutional structures. In this thesis, I specifically connect viewers' responses to the contemporary media environment. To develop an understanding of the process by which viewers arrive at certain perceptions of *Making a Murderer,* I apply Hall's (1980) theory of encoding and decoding. The original construction of the encoding and decoding model served as a connection between textual analysis and audience studies (Livingstone, 1998) and continues to be utilized in

audience research today (Meyers & Gayle, 2015; Scott & Stout, 2012; Worthington, 2008).

Encoding and Decoding

Hall's 1973 article (revised in 1980), "Encoding/Decoding in the Television Discourse," was a groundbreaking event in the audience studies tradition (Grossberg, 1996; Lindlof, 1991; Zaid, 2014). Hall (1980) introduced the theory of encoding and decoding when media were considered to have a negative effect on culture and audiences were characterized as powerless to resist media messages. Researchers' acceptance of this dominant perspective led the process of *how* audience members came to understand media texts largely ignored (McQuail, 2010). "Encoding/Decoding in the Television Discourse" was written to address these issues (Morley, 1999). Hall (1980) posited that it was important to consider the interpretation stage of media reception because "the moments of 'encoding' and 'decoding', though only 'relatively autonomous' in relation to the communicative process as a whole, are *determinate* moments" (p. 129) (emphasis in original). More specifically, the interpretation process is vital to audience reception studies because it is during this stage that media texts are assigned meaning (Zaid, 2014). Morley (1992) explained the theory of encoding and decoding as building from the following premises: the same media text can be interpreted in more than one way, a media message presents more than one meaning, but promotes one understanding over others, and decoding media messages is always a complex practice.

The theory of encoding and decoding maintains that audiences interpret messages in ways that do not necessarily align with the way the message was meant to be received. When media is created, the producer of the text has an intended meaning or meanings he

or she desires the audience to receive (an encoded meaning). However, audience members interpret media texts in diverse ways (decoded meanings) (Brennen, 2013). In other words, media messages are polysemic, or constitute multiple meanings (Hall, 1980). Morley (1999) identified the polysemic nature of messages "is central to the argument that all meanings do not exist 'equally' in the message: it has been structured in dominance, although its meaning can never be totally fixed or 'closed'" (Morley, 1999, p. 124). In analyzing the encoding process, then, a researcher attempts to identify the preferred meaning of the message and aims to reveal the "mechanisms" that created the dominant reading and means utilized to advance this reading (Morley, 1999). To understand the decoding process, the researcher works with the audience member to reveal the point in the process where the audience member differentially interpreted the message (Hall, 1980; Morley, 1999).

Hall (1980) identified three general positions, or readings, which an audience member may use to decode a message: dominant, negotiated, and oppositional. A viewer occupies a dominant position when he or she understands the message in the way the author intended. For example, the intent of *Making a Murderer* was to "ask bigger questions about the [criminal justice] system" (Torres et al., 2016). A dominant reading of the purpose of *Making a Murderer*, then, would understand the series to be a commentary on the weaknesses in the justice system as witnessed through the cases of Avery and Dassey.

An audience member operates inside a negotiated position when he or she considers both the dominant meaning and his or her experiences in the interpretation process (Hall, 1980). Using the previous example, an audience member would take a

negotiated position if he or she recognized the film makers' attempt to create a film exposing the flaws in the criminal justice system, but also considered his or her experience with documentaries and the way in which documentary film makers work from an acknowledged perspective. Finally, an oppositional reading of a media text would reject the dominant meaning and understand the message in a vastly different way (Hall, 1980). An oppositional reading of *Making a Murderer* would occur if an audience member disregarded the film makers' argument and evidence and foregrounded his or her preexisting beliefs about Avery and Dassey. Taken together, an understanding of the three general positions taken when interpreting messages facilitates an in-depth analysis of a reception process.

Although Hall's (1980) theory of encoding and decoding was originally constructed to reveal how the socioeconomic standing of audience members could impact their interpretation of a media text (Scott & Stout, 2012), current reception analyses focus less on social class and more on the influence of social factors (such as age, gender, and ethnicity) (Lacalle, 2015). In other words, research utilizing the theory of encoding and decoding investigates how audiences' resources, cultural competencies, and identities influence their decoding of media messages (Worthington, 2008). For example, Zaid's (2014) analysis emphasized significant contextual factors surrounding Moroccan television viewers' perceptions of two public service TV stations. In Morocco, there are a large number of marginally literate and illiterate individuals and many of these citizens have scarce access to reading materials, but ample access to television. Applying the theory of encoding and decoding, Zaid's (2014) study revealed the two public service TV stations failed to effectively communicate with their target audiences, thereby restricting

the audience's access to the content. Scott & Stout (2012) analyzed audience reception of the Dead Sea Scrolls museum exhibit in southeastern United States, a region constituted by a predominant belief in the Evangelical religious tradition. They utilized encoding and decoding to discover how museum patrons managed the simultaneous appeals to science and religion in the exhibit. Their analysis found that patrons focused on the religious nature of the exhibit – discounting the scientific evidence - to validate their religious beliefs (Scott & Stout, 2012). Worthington (2008) employed encoding and decoding in her investigation of a news report regarding campus sexual assault. From interviews with a producer and central source, Worthington (2008) explained of how the encoding process was influenced by three major issues: source participation, adherence to the news narrative, and institutional priorities.

The previous examples highlight the usefulness of encoding and decoding as a conceptual tool for audience analyses in a variety of contexts. Audience reception studies focused on the decoding of media texts have become less prominent in media studies since 2000 (Jensen, 2012), however, new technologies have "presented a new range of research questions, at least some of which break the bounds of reception (and effects) studies as traditionally conceived" (Jensen, 2012, p. 177). Factors including amateur production, distribution on Netflix, and social controversy, constitute the study of *Making a Murderer* as an exemplary opportunity to discuss how new media platforms affect audience reception.

Audience Studies

Audience research has a rich and lengthy history in the humanities and social sciences, although it is unclear when this kind of inquiry began (Livingstone, 1998).

Audience researchers dig deeper than the production of texts to analyze how meaning is transferred from the creator to the audience (Brennen, 2013). Scholars interested in audiences take a variety of approaches to research; however, two dominant perspectives exist. While some researchers emphasize the power of media texts and their effects, others focus on audience members' meaning making processes and the ways in which the contemporary culture influences this activity (Zaid, 2014). Audience research is essential to understanding how mass media operate in society (McQuail, 1997).

Audience research conducted within the field of cultural studies, also called reception analysis or reception studies, works from the assumptions that audiences have agency in their interactions with media and the reception of media messages is influenced by context (Cruz & Lewis, 1994). Unlike media effects audience research, this perspective characterizes audiences as active, never passive, media users, and rejects the concept of the audience as a mass, or a large aggregate of viewers, incapable of social action and individual thought. The ways in which audiences perceive messages are varied and unpredictable. As active agents, audience members can reject the intended meaning of the message and form independent interpretations (Morley, 1992).

Reception scholars emphasize the environment in which the message is received influences how the message is interpreted. The reception process cannot be separated from the its context (Morley, 1992). When a person attempts to understand a message, he or she considers "an entire range of sources: the person's ongoing needs, beliefs, and attitudes; social affiliations and reference groups; cultural memberships; language use; [and] the resources and artifacts available in the settings of human activity" (Lindlof, 1988, p. 86). Context may be understood as both the immediate, personal surroundings

and the historical, social, and political environment. For example, if a person were to watch an episode of *Making a Murderer* with a large group of friends, he or she may perceive the show to be a means to discuss societal problems with others. However, if that person watched an episode of *Making a Murderer* alone, he or she may describe the film as an opportunity to reflect on individual beliefs about social issues. Furthermore, the release of *Making a Murderer* coinciding with increasing publicization of police brutality against people of color (Squires, 2016) may lead viewers to more readily question law enforcement in the series. As stated previously, this study foregrounds the media context in which *Making a Murderer* was situated in order to comment on how new media developments affect audience reception.

Some key texts in audience reception include Morley's (1999) (originally published in 1980) *Nationwide Audience* study, Lull's (1980) essay, "The Social Uses of Television," Radway's (1991) (originally published in 1984) *Reading the Romance*, and Ang's (1985) *Watching "Dallas"* (Lindlof, 1991; Livingstone, 1998). At the time they were published, the *Nationwide Audience* study and Lull's (1980) essay were unprecedented approaches to audience studies; both texts inspired scholars to challenge the normative research paradigm in mass communication (Lindlof, 1991). Morley's (1999) *Nationwide Audience* analysis aimed to uncover the range of audience understandings of the television program *Nationwide* through an analysis of 29 focus group interviews purposefully formed through demographic, social, cultural, and topical factors (Morley, 1999). From this research, Morley (1999) argued that "social position in no way directly correlates with decodings…decodings are inflected in different directions by the influence of the discourses and institutions in which they are situated" (p. 260). In

other words, audience members may not understand media messages in expected ways based upon their socioeconomic position; rather, viewers interpret media by considering a variety of surrounding discourses while operating within determinate conditions (Morley, 1992). Since it was published, scholars have frequently referenced the *Nationwide* study as one of the most influential texts in empirical audience research (Kim, 2004; Livingstone, 1998) and as evidence that qualitative audience analysis is an appropriate and effective means of conducting critical media research (Lindlof, 1991).

Lull (1980) argued for the use of participatory research in audience studies in his essay, "The Social Uses of Television." Through an analysis of approximately 200 families' media use over a three-year period, Lull (1980) identified two primary types of social use of television: structural and relational. The structural social use of television refers to how television creates an environment to interact in and regulates interactions (Lull, 1980). Relational social uses of television involve "the ways in which audience members use television to create practical social arrangements" (Lull, 1980, p. 202). Lull (1980) identified four kinds of relational social uses of television; of particular interest to the current study is the communication facilitation function. The communication facilitation function of television enables viewers to reference characters, themes, and stories to initiate conversation. It is relevant here because it emphasizes the power of meaning-making processes outside the viewing process. For example, many *Making a Murderer* viewers took to social media upon finishing the series to discuss their thoughts with others, and these conversations undoubtedly strengthened or challenged viewers' opinions and beliefs (Tassi, 2016; Vielmetti, 2015; Whitworth & Rivalland, 2016).

It is unclear whether the structural social uses of television identified by Lull (1980), such as organizing conversation around commercial breaks and planning evenings around a broadcast, apply to a streaming or online subscription service, like Netflix. Streaming services are distinguishable from traditional television broadcasting because they allow audiences to "binge-watch," or view more than one episode of a series, in one sitting. Viewers can also choose from a wide variety of programs available at any time and may watch on a variety of devices, including computers, tablets, and smart phones (Crouch, 2013). Lacalle (2015) found that viewing fictionalized television programs from a digital platform "predisposed" participants to multitask and combine viewing with additional activities, such as social networking. This suggests that online viewing is a "more disperse" reception process than watching on a television set (Lacalle, 2015). Investigating the media delivery format utilized by participants and how the viewers watched a series (e.g., watching with full attention, watching while doing homework or watching while eating) is an important step in a reception analysis (Carolyn, 2009).

Reception scholars regard Radway's (1991) *Reading the Romance* as a milestone in the history of audience research (Jensen, 2012). *Reading the Romance* takes seriously a social activity that was largely understood as unworthy of academic study, reading romance novels. Radway rejected the theoretical assumption that through textual analysis a scholar can grasp the meaning of a genre for those who subscribe to it. Instead, Radway administered questionnaires, conducted interviews, and observed the "Smithton women," a group of women particularly dedicated to reading romance novels. Radway revealed "romance reading addresse[d] needs created in [the Smithton women] but not met by

patriarchal institutions and engendering practices" (p. 211). The act of reading romance novels enabled the Smithton women to set aside time themselves, which was read as a kind of resistance (Radway, 1991).

Particularly important to the current study is Radway's (1991) concept of "interpretive communities." Radway described interpretive communities as groups of readers who enjoyed and consistently consumed a certain type of book in order to fulfill social needs. Jensen (1996) noted that the concept of interpretive communities is rooted in the premise that groups of media audiences may be constituted not only by demographics and social roles, but also by the interpretive frames viewers use to approach media. The concept of interpretive communities is useful in understanding the relationships between viewers who shared similar perceptions of *Making a Murderer* and how conversations between them affected their media experiences.

A final primary text in audience studies is Ang's (1985) *Watching Dallas*, written about the American television series *Dallas.* Although *Dallas* depicted the lives of a wealthy American family from Texas, the show attracted a wide international audience (Ang, 1985). Ang's analysis analyzed *Dallas* within the Dutch national context. The study is based on 42 letters written in response to an advertisement asking Dutch viewers to explain why they liked or disliked the series. Ang understood this project to be valuable because

> the consumption of *Dallas* is not an isolated phenomenon, but is embedded in a network of other activities and associations which are connected to those activities. We should not inflate the pleasure in *Dallas* into something unique and therefore elusive. We have to take into account the socio-cultural context in which Dallas is consumed. These conditions of consumption are of course not the same for all social categories and groups. Quite the contrary – an enquiry into the different ways in which the television serial is received by various population groups and subcultures could in fact yield particularly useful insights. (p. 21)

Like Radway (1991), Ang emphasized the pleasure readers experienced through a seemingly trivial type of media and how this pleasure created an escape from the demands of society. Lacalle (2015) came to a similar understanding in her study on the reception of fictionalized television. She noted that her participants explained "the need to disconnect from everyday problems" (Lacalle, 2015, p. 248) as a justification for enjoying purely entertaining television. Although the news media characterized *Making a Murderer* as highly entertaining (Butler, 2015; Mumford, 2016; Vielmetti, 2015), critics also argued the series prompted viewers to think about, rather than disconnect from, societal issues like social class and education (Lee, 2016; Thomas, 2015; Timm, 2016; Whitworth & Rivalland, 2016) Therefore, it will be of note to explore the primary aspects of *Making a Murderer* that intrigued viewers.

Audience reception of documentaries is an underexplored area in audience research (Amaya, 2008). However, the existing limited scholarship has provided valuable insight into the meaning making process of watching non-fiction television and film. Richardson and Corner (1986) conducted their analysis of a BBC documentary program during a transitional period in the audience studies field; scholars were beginning to advocate for cultural analyses of audience reception and the use of interviews in addition to textual evidence. Through one-on-one, in-depth interviews, Richardson and Corner found that audience members incorporated their personal experiences into the interpretation process. Viewers' application of personal experience was identified as "strong enough to cause an immediate questioning of a programme's depicted realities" (Richardson & Corner, 1986, p. 506). Murray's (2015) analysis of reception of transgender documentaries in France and Spain also recognized audience members'

application of personal experience while interpreting media messages. However, the audience members in this investigation emphasized the importance of identifying distinctions between their experiences and the experiences of those in the film (Murray, 2015).

In his analysis of reception of the documentary *Jazz,* Amaya (2008) aimed to contribute to documentary theory by exploring the film from an audience perspective and revealing racial discourses in viewers' interpretations. His analysis focused on the "different cognitive mechanisms" used by viewers to respond to the truth claims made in *Jazz.* Amaya chose to analyze reviews of the program written by jazz experts because he believed these individuals would be most likely to interpret the text by its likeness to the truth. Amaya noted audience members who were familiar with the events presented in the documentary evaluated the program's truth claims by considering "whether [their] ideology and knowledge system matched the ideology and claims of the text" (p. 120). Depending upon this connection, viewers either accepted, rejected, or partially accepted the claim. Therefore, Amaya challenged the dominant belief in documentary theory that truth is encoded in the production of a film by arguing that truth is "a problem of reception, an issue of 'decoding'" (p. 113). It will be of note to investigate the degree to which *Making a Murderer* viewers, some of whom may identify as "armchair detectives," interpret truth claims based upon a relationship to the "truth" or personal experiences.

Finally, Saputro (2010) explored Indonesian audiences' reception to ethical claims made in human rights documentaries. He noted that while human rights documentaries often move viewers to think about taking action, these thoughts do not

actually translate into mobilization. Saputro's distinction is important because it challenges the myth that effective documentaries lead to advocacy (Murley, 2008; Nichols, 2010). I further interrogate this assumption in the present study.

I posed one general research question for this study: what meanings did audiences derive from *Making a Murderer?* I chose to pose one broad question to allow for the revelation of varied interpretations and connections that I could not anticipate (Brennen, 2013). Through exploring this question, I also consider the connections between audience perceptions of *Making a Murderer* and the new media environment.

Summary

In sum, traditional and contemporary audience studies have established the value in exploring viewers' everyday engagement with media. Conducting cultural studies research with a focus on the audience allows me to understand audience members as unique and critical viewers who bring distinct perspectives to media. Furthermore, applying the theory of encoding and decoding enables me to investigate participants' complex meaning-making process. These perspectives facilitate an analysis of viewers' perceptions of *Making a Murderer* alongside developments in the ways long-form, non-fiction media are produced and consumed.

CHAPTER THREE: METHOD

Introduction

Audience reception scholars work from the qualitative research paradigm to consider the content, interpretation, and context of a media text (Lindlof, 1991; McQuail, 1997). A qualitative approach is especially important for scholarship within cultural studies because it allows the researcher to retain, rather than separate, the historical, social, and political context of the object of study (Lindlof, 1991). Audience reception researchers use a variety of qualitative methodologies to conduct their research, such as textual analysis, ethnography, interviews, and focus groups (Jensen, 2012). Here, I conducted ten, one-on-one interviews to uncover the meanings audience members derived from *Making a Murderer* and consider the media context in which it was produced and consumed.

Interviewing

Interviews are a frequent tool utilized in the humanities and social sciences, especially within the past century (Brennen, 2013; Jensen, 2012; Vobic, 2014). Qualitative interviewers understand reality as socially constructed, therefore, respondents are essential to analyzing meaning-making processes (Brennen, 2013). Influential scholars in audience studies, including Radway (1991) and Ang (1985), have utilized interviews, and this methodological technique continues to be used in reception analyses today (e.g., Bourdage, 2014; Mahoney, 2013; Meyers & Gayle, 2015). Interviews are well-suited to research with the goal of understanding and explaining an experience, because dialogue allows researchers to dig deeper than general observation (Vicente-Mariño, 2014). When a researcher conducts interviews, he or she focuses on revealing

participants' feelings and experiences constructed from the participant's perception of reality (Brennen, 2013). In other words, interviews aim to uncover how meaning is created and shared in specific contexts (Jensen, 2012).

Arguably the most important component of interviewing is listening, because an effective listener will likely garner more detailed stories from interviewees (Legard, Keegan, & Ward, 2003; Lindlof, 2011). To listen effectively, I needed to interpret participants most salient points, decide what idea to pursue, and formulate follow-up questions on the spot (Legard, et al., 2003). I also had to find a balance between two tensions throughout the interviews; while I had a series of questions I hoped to ask, I needed to remain open to unexpected topics and detours in the conversations. To manage this tension, I attempted to create a sense of mutual investment in the research by emphasizing my interest in the participant's opinions and assuring the participant that he or she could honestly express his or her beliefs without being judged, contradicted, or disregarded (Brenner, 1978).

Participants. I interviewed ten individuals, all of whom fit the established participant criteria: respondents were at least 18 years old, watched *Making a Murderer* in its entirety, and lived in Wisconsin for at least two years at some point in their lives. I established these requirements because I believed the most nuanced responses would come from adults who were engaged enough to watch the entire series and I was interested in the perceptions of adults with a connection to the place the events occurred. I attempted to recruit participants with differing cultural characteristics, including age, gender, and occupation, to represent viewers from a variety of social categories whose "conditions of consumption" likely differ greatly (Ang, 1985). The resulting group

included five men and five women, and respondents ranged from 21 to 56-years-old. All participants were white (a severe limitation to be discussed in chapter five). Conversations lasted between 28 and 64 minutes, with an average of 44 minutes. Each respondent was assigned a pseudonym that reflected the participant's gender but was dissimilar to his or her name (see Appendix A for a breakdown of participant characteristics).

I employed three strategies to recruit participants. I advertised the study on my Facebook account through a brief post (see Appendix B). The post provided an overview of the study and asked users to e-mail me or send me a message on Facebook if someone they knew might be interested in participating. To maintain the privacy of potential participants, users were asked not to comment on the post. I recruited three participants this way. I also utilized my physical social network to find participants. Five respondents were recruited after they were referred to me by a mutual friend or colleague who was aware of my research topic. Finally, two participants were recruited through recommendations from a previous respondent. When respondents were referred to me, I acquired the potential participants' contact information from the previous participant or our mutual friend or colleague, and sent an e-mail or Facebook message (see Appendix C) about the study. Once I received a response indicating interest in participating, I sent the potential interviewee a consent form (see Appendix D) to review and inquired about his or her availability.

Interviews were conducted face-to-face (3), over the phone (2), and over video conferencing (Skype or FaceTime) (5). Interview date, time, and location were scheduled at the interviewee's convenience. All interviews were audio-recorded using the voice

recorder function on my cell phone and personal laptop simultaneously to ensure the conversation was recorded. The audio-recordings were immediately transferred to a protected file on my personal laptop and permanently deleted from the voice recorder application on both devices following the interviews. Before interviews began, all participants reviewed and signed a consent form indicating they understood and accepted the parameters of their participation. Participants who were interviewed by phone or video conferencing signed, scanned, and e-mailed their consent forms to me prior to the interview. All interviewees were aware that they could end the conversation at any time. Zero participants chose to end our conversation early or withdraw from the study. Participants were not compensated for their time. I sought and obtained an exempt status for this study from Marquette University's institutional review board (IRB) (see Appendix E) before beginning the interview process.

Semi-structured interviews. The interviews were conducted in a semi-structured format. Semi-structured interviews are guided by an interview protocol, or a pre-established series of questions, but permit the interviewer to change the order of questions and ask follow-up questions. Follow-up questions are often necessary to clarify points and dig deeper into a topic (Brennen, 2013). A semi-structured interview style was important in this research context to reveal all potential perceptions of *Making a Murderer*, and not merely my anticipated reactions. The interview protocol for the current study (see Appendix F) was organized into three groups of question types: icebreaker, probing, and follow-up. The interview began with icebreaker questions, which are meant to create an open environment where interviewees feel comfortable to engage in conversation and share personal information. In this introductory stage of the

interview, I followed the advice of Brennen (2013), and gathered background information on the participant and expressed interest in learning more about his or her interests. These conversations also allowed me to build a rapport with participants, or establish respect for each other's viewpoints and implicitly agree to abide by communicative rules, such as taking turns and avoiding interruptions. To create this kind of environment, I made the purpose of the interview clear during this stage. I explained the goal of the research, why the interviewee was asked to participate, and how the interview would be structured (Lindlof, 2011). Some icebreaker prompts included: "Tell me about your hobbies," "Tell me about your family," and "Tell me about your core beliefs and values." I chose one or two icebreaker questions for each interview. Responses to these prompts provided contextual information that would help me to gain a better understanding of participants' interpretation processes of *Making a Murderer*.

The second stage of the interview involved asking probing questions, focused on the research topic. Probing questions should be open-ended and purposeful to encourage rich and authentic answers (Brennen, 2013). As advised by Brennen (2013), I encouraged respondents to provide clear and in-depth answers through follow-up questions like "Please tell me more" and "Please provide an example." Samples from the interview protocol include: "What led you to watch *Making a Murderer*?," "What were your overall impressions after you completed the series?," and "It has been posited that it is unethical to create entertainment based on someone's actual murder. What do you think about this argument?"

Each interview concluded with a series of follow-up questions, or enduring questions that were not appropriate to address earlier in the conversation. During this

stage, it is also important to allow the interviewee to ask questions of the interviewer (Lindlof, 2011). To encourage this, I posed the following questions, "Is there anything else about *Making a Murderer*, true-crime documentaries, or any other related topics that you would like to add?" and "Do you have any comments, suggestions, or questions for me?" I also asked each interviewee if I could e-mail him or her with any follow-up questions and if he or she had any friends that might be interested in participating in this study. Finally, I thanked each participant for his or her time.

I transcribed each interview verbatim using the Express Scribe digital software. I printed and saved the transcriptions to a protected file on my personal laptop. The print copies were stored in a locked desk drawer that could only be accessed by me. All research materials will be destroyed three years after the completion of this study.

Thematic Analysis

I analyzed the interview transcripts through thematic analysis, a type of textual analysis widely used in media studies (Jensen, 2012). Textual analyses focus on language, and scholars who conduct textual analyses argue that language is essential because it is through our talk that we make sense of our lives and construct our social realities (Schroder, 2012). Therefore, textual analyses enable scholars to gain an understanding of behaviors, representations, assumptions, and experiences (Brennen, 2013). Media scholars suggest that the development of textual analysis was heavily influenced by Siegfried Kracauer (Brennen, 2013; Murdock, 2012). In Kracauer's (1952) article "The Challenge of Qualitative Content Analysis," he argued against quantitative content analysis in communication research, and posited that the analysis of a text should be an interpretive process that reveals the range of possible meanings, surface level and

underlying, in a text. Contemporary qualitative researchers continue to follow Kracauer's (1952) conceptualization of a textual analysis today (Brennen, 2013).

As mentioned, thematic analysis is situated under the umbrella of textual analysis and draws on linguistics, literary studies, anthropology, and sociology. A thematic analysis is the detailed, iterative categorization of content within texts to explain social phenomena (Pope, Ziebland, & Mays, 2006). By comparing, contrasting, and grouping major themes in a text, researchers can reveal meanings of media content for a specific audience (Jensen, 2012).

The first step of my thematic analysis was to begin to manage and make sense of the interview transcripts. Specifically, I read and reread each text, searching for key words and phrases relevant to the meanings derived from *Making a Murderer*. Content that was unusual or contradictory was highlighted. I also considered that audience responses needed to be read "symptomatically," or beyond the explicit text, because what people say about their media experience may not align with how they perceive the messages in the moment throughout this process (Ang, 1985). As I became familiar with the content, I identified initial themes (Pope et al., 2006).

Next, I searched for recurrent themes in a more systematic fashion. I copied all highlighted material into a new document titled "Initial Themes." I analyzed this document and identified introductory themes. These categories were labeled using the participants' language and reflected as much detail as possible. Each theme was assigned a color, and all content in the "Initial Themes" document was highlighted and sorted according to the applicable category. A second, clean copy of the original transcripts ("Transcripts 2") was also analyzed considering the introductory themes in order to

account for any material that may have been missed. Additional documents (labeled by the working title of each theme) were created for each category and included the highlighted content from the “Initial Themes” and “Transcripts 2” documents. There was repetition and overlap among the categories at this stage, however, this was necessary at this stage to remain inclusive and reflective of the range of responses. In the next step, I refined and reduced the themes (Pope et al., 2006).

Once the introductory themes were established, I looked across the categories and analyzed the relationships between them. Through comparing the categories, I established one primary theme and subtheme. I then reported and interpreted my findings in a research narrative (see chapter four). My interpretations were informed by cultural studies, Hall’s (1980) theory of encoding and decoding, and the contemporary media environment.

Summary

In closing, this research project aimed to explore the meanings audience members took from *Making a Murderer*. I chose to investigate this topic through ten, one-on-one interviews with viewers. I then analyzed the interview transcripts through thematic analysis. From here, I interpret my findings using the field of cultural studies as a lens and applying Hall’s (1980) theory of encoding and decoding. Furthermore, I situate these themes in the contemporary media context.

CHAPTER FOUR: ANALYSIS & INTERPRETATIONS

Introduction

Making a Murderer viewers regarded the series as meaningful and valuable to the contemporary context. In the following pages, I describe a major theme and sub-theme that I established from participants' responses. Next, I interpret the themes through the lens of cultural studies and an application of Hall's (1980) theory of encoding and decoding. I also consider connections between the themes and developments in new media. First, I introduce my analysis with general commentary on the interviews.

Analysis

Participants described *Making a Murderer* as "compelling," "educating," "convincing," "entertaining," and "important." Respondents recalled being emotionally invested, which propelled them to discuss *Making a Murderer* with friends and peers and to seek out social media posts regarding the series. Participants reported that *Making a Murderer* was a dominant topic of conversation following its release. Shane Beecher, a 24-year-old who worked as a marketing and client relations manager, explained:

> For a while there, probably early January, maybe towards the end of December, wherever you went, if you eavesdropped on a conversation, within 5-10 minutes somebody was talking about *Making a Murderer.* It's one of those things that's super easy to talk about, and because it had so much traction, everybody watched it or heard about it. So no matter who you ran into they had at least some sort of background on the trial and the documentary, so you could talk to anybody about it. It was like the new, "Oh, how about this weather?"

Participants echoed Shane's sentiment that "everyone" watched *Making a Murderer.* Respondents also made sweeping generalizations about public reactions to the series

based on personal conversations and social media. They explained that "everyone" was "obsessed" with or "loved" the series.

Half of the participants explained they did not subscribe to cable and relied on Netflix and other streaming services, like HBO and Hulu, for their television needs. The majority of respondents identified as avid Netflix viewers; it was common for participants to state that one of their hobbies was "watching Netflix" (as opposed to "watching television"). These responses suggested that Netflix was a significant part of participants' day-to-day lives prior to (and likely after) watching *Making a Murderer*.

For two participants, watching Netflix was not a common practice in their day-to-day lives, but *Making a Murderer* was an exception. Larry Jensen, a 43-year-old husband and father who worked as a currency trader, explained that he watched the series because he underwent surgery around the time it was released and his recovery provided him with ample time to watch television. He chose *Making a Murderer* over other television programs because multiple colleagues recommended it and he read about its popularity in traditional and social media. David Miller, a 24-year-old who worked as an account executive for a major sports team, described *Making a Murderer* as an exceptional program because it "was unlike other television shows [he] tried to get into" and "it intrigued [him] from the beginning and held [his] attention" throughout all ten episodes. David also chose to watch *Making a Murderer* after recognizing the significant buzz about the series on social media. David's friends and colleagues also recommended the series.

Three participants knew *Making a Murderer* was coming out before its release. Adam Santorini, a 28-year-old who worked as a criminal defense attorney/public

defender, became aware of the series six months before its release because one of his colleagues received Google alerts concerning updates on Avery's case. Shane Beecher also became aware of *Making a Murderer* six months before its release. Shane enjoyed watching Netflix, especially documentaries and true-crime. Upon reading an article about upcoming shows, Shane became interested in *Making a Murderer*. He and his girlfriend watched the series the minute it was released. The third participant who knew about the release of *Making a Murderer* beforehand was Emma Pope, a 56-year-old wife, mother, and business owner. Emma heard about the series while watching her local news and was interested because she followed the case closely when it originally occurred.

In addition to Emma, two participants had previous knowledge of Avery's and Dassey's history with the criminal justice system. Larry grew up in Wisconsin, although he resided outside of the state at the time of the investigation and trial. To stay up-to-date with Wisconsin sports while he was away, Larry regularly logged on to the *Milwaukee Journal Sentinel* website, and he recalled that the lead story was often about Avery. Larry noted, "I'd mostly keep up through headlines and unfortunately I would just assume if they're prosecuting someone he probably did something wrong…I wasn't that interested in it at the time." Therefore, Larry had limited knowledge of the case before watching *Making a Murderer.* April Haas, a 21-year-old student who worked part-time as a server, recalled her parents discussing the case during the trials. She remembered her parent's expressing disbelief that such a horrible crime could occur in small-town Wisconsin. This was the extent of her memory, therefore, April also had little knowledge of the situation before viewing *Making a Murderer.*

The compelling nature of *Making a Murderer* led participants to watch the series in an incredibly short amount of time. Seven of the ten participants stated that they binge-watched the series, six of whom reported finishing in two-to-three days. Jackie Larsen, a 24-year-old who worked as an early childhood special education teacher, and Shane described binge-watching shows on Netflix as one of their favorite activities to do with their significant others. Shane reported that he and his girlfriend finished the entire series within 24 hours of its release. Of the three participants who did not binge-watch the series, none took more than two weeks to complete the ten episodes. Three participants, Jackie, Shane, and Emma, watched the entire series more than once. Jackie explained,

> I've watched [*Making a Murderer*] three different times. The first time I watched it by myself in two days over Christmas break and I was obsessed with it. I told everyone about it, and then everybody started watching it. And then I watched it with my friend again, and then my boyfriend just finished it like a month ago and I watched it with him.

Jackie was the only participant to watch the entire program three times. David and Emma watched the series twice; David watched with friends each time while Emma watched alone first and with her family second.

In addition to putting other activities aside to watch approximately ten hours of television in a matter of days, participants altered their day-to-day habits to ensure that they could complete *Making a Murderer* without hearing any "spoilers," or information about the plot that they had not yet encountered. Cheryl Newman, a 54-year-old mother who worked as an associate lecturer at a Midwestern university, April, and Laura identified as avid social media users, yet reported that they "stayed off" of social media while they were watching *Making a Murderer* for fear of coming across posts about the series. Participants described avoiding common places at work as not to overhear

conversations about the series before they had finished. Respondents who did not binge-watch the series indicated that they made *Making a Murderer* as much of a priority as possible. David was unable to binge-watch the program because it was the busy season at his job – he was working 60-70 hours/week when the series was released. David recalled, "As much as I wanted to watch it [*Making a Murderer*] in like, three days, I couldn't. But I got it done as fast as I could. As much time as I had I was trying to finish *Making a Murderer.*" Mason Martin, a 27-year-old who worked as a physical therapy assistant, did not binge-watch the series because he watched it with his parents and their schedules only allowed them to complete one or two episodes a night. They fell into a routine of watching the series each night after dinner, which led Mason to become agitated when one or both of his parents did not adhere to this informal schedule. These adjustments to daily routines highlight the status participants allowed *Making a Murderer* to attain in their day-to-day lives.

Participants cited intense curiosity and ease of accessibility as reasons for binge-watching *Making a Murderer.* April explained that it was simply "too easy" to finish an episode of the series and cave to the temptation of finding out what happened next (Netflix waits 30 seconds before automatically playing the next episode). Participants also binge-watched the series to join conversations with friends and the wider public in person and on social media. Shane and Jackie, who watched the series the day it was released, recalled vehemently recommending the series to their friends so they could talk with them about their opinions. Shane explained:

> I knew *Making a Murderer* was coming out for like, six or seven months before it came out. And I was getting super pumped for it, so we actually watched it like the day it came out, at midnight, so we finished it by the day after it came out.

> And I'm sitting here with no one to talk to about it, because no one has even heard of it yet, I'm like, you guys, damnit, talk to me about it!

Jackie recalled trying to convince her boyfriend to watch *Making a Murderer,* and having difficulty persuading him because "he [knew] I like[d] these type of documentaries, so he was just like, 'oh it's just another one of your weird documentaries.' And I was like no, like it's a real…people are actually invested in it, I'm not the only one!" Three additional participants recommended *Making a Murderer* to friends and colleagues, and all participants answered the question, "Would you recommend *Making a Murderer* to a peer?" affirmatively.

Participants described creating an intense, often isolated viewing environment to watch *Making a Murderer.* Most watched in their bedrooms, alone, from their laptops. Respondents said they did not multi-task while watching the series; they attempted to set their phones aside and focus on the program. Diane Copp, a wife and mother who worked as a financial systems supervisor, watched the series with her husband recalled the following situation:

> I remember specifically that my mom came to visit, and she got to the house and we were talking about her trip, and [*Making a Murderer*] was on, and I was like, "I can't do both." So we stopped the show so we could talk. So, I think pretty quick in we figured out that we had to pay attention or it wasn't going to be worth our time.

Although respondents stated they did not multi-task while watching the series, additional comments about the social media buzz around the program and the desire to discuss the show with others suggests participants engaged in social media interaction while viewing.

In the final moments of conversations, many participants expressed that they enjoyed discussing *Making a Murderer* with me. Larry thanked me for giving him the opportunity to discuss the series, April said it "felt good" to relay her opinions, and Shane

stated that he enjoyed talking with me and could "talk about this documentary all day." Two additional respondents noted that our discussion was "easy" and referred me to a friend whom they believed would not mind talking with me (in both cases, these referred friends became participants). The flow and ease of the interviews also suggested that participants enjoyed talking through their reactions to *Making a Murderer.* Participants provided lengthy, rich responses and appeared to feel comfortable directing the conversation to topics that they were interested in exploring, rather than always waiting for my next question or prompt.

I established one primary theme and sub-theme from a thematic analysis of the interview transcripts. The primary theme, which I call "important television," involves participants' belief that *Making a Murderer* was an exceptionally meaningful and valuable program. Its sub-theme, titled "biased television," explains respondents' concern with and understanding of an apparent bias in the series. I begin with "important television."

Important television. Participants characterized *Making a Murderer* as an "important" series. Respondents described important television as programs that (a) tell a compelling story; (b) address contemporary social issues; (c) adopt a unique perspective; and (d) are emotionally engaging. "Important" television is captivating and relatable, but also educational and meaningful. Because participants understood *Making a Murderer* this way, they generally believed that any ethical implications were minor and justified. Furthermore, respondents' characterization of the series as "important" revealed a contradiction. Viewers stressed the requirement for valuable programs to highlight societal issues and foster meaningful conversations, yet did not identify that they had

such conversations outside of our interview. *Making a Murderer* led viewers to identify problems within criminal justice, but to largely focus their understanding on the particular cases of Avery and Dassey – rather than connecting these flaws to pervasive issues in our criminal justice system.

Participants described *Making a Murderer* as both informative and based on an exceptionally compelling story. Cheryl explained, "the story itself is amazing, so that's what hooks you." Shane echoed, "[the series] was absolutely carried by the story." Some participants knew the general storyline before watching *Making a Murderer,* sometimes due to knowledge of the case when it occurred, but usually because they read a synopsis or were told by friends. Because the story was so unique, they felt compelled to get through the more "boring" parts. Mason described his response upon starting the series:

> I was kind of bored. I really was. But I knew it was gonna get good, because the overall story is amazing. And first episodes of shows are always kind of boring. So we had to wait. We just suffered through all the backstory and everything like that, which is fine, and then, obviously, we get the arrest call at the end of episode one, and so I'm like, I have to watch episode two now.

Other participants described *Making a Murderer* as intriguing from start to finish. For example, Jackie stated, "I just wanted to keep watching it though! I never wanted it to end!" April similarly explained, "[*Making a Murderer*] was really tense the whole time. I loved it. I was so sad when it was over." Two participants, Jackie and Larry, recognized tactics utilized by the producers to boost the entertainment value of the series, such as ending each episode with a cliff-hanger and the use of music. Jackie and Larry argued such strategies were necessary for the series to be successful. Larry explained, "I do appreciate how it was put together, just a wonderful job. I probably would've never watched this case unless it was packaged the way that they packaged it." The "amazing"

story told in *Making a Murderer* "hooked" viewers and encouraged them to continue watching with earnest to "find out what happened."

Another component of "important television" was the exploration of societal problems. David credited *Making a Murderer* as "starting to make more conversations about the justice system and the injustices within it…it's definitely doing some work and making an impact on a lot of people. It catapulted this topic out there, really." The belief that *Making a Murderer* facilitated conversation about flaws in the ways we administer criminal justice was echoed by all respondents. Notably, this belief was not connected to concrete examples of such conversations occurring between participants and other viewers.

Participants explained that the in-depth examination of the investigation and trials of Avery and Dassey provided by *Making a Murderer* alerted them to the inequities in the criminal justice system. In our conversation about what he took away from *Making a Murderer,* David stated, "I think what's most important is how the process was handled, not the debate about whether [Avery] was guilty or not guilty, but the injustice." Shane also felt the objective of the program was to "just look at the process itself." He explained, "I'm always questioning the validity of things and I've always questioned our legal process just in general… And then this documentary made me hate the process even more." Diane reflected:

> I'm a very logical, black and white, yes and no, right and wrong, type of person, and that's very not what the judicial system is. And I don't think "innocent until proven guilty" is a thing anymore. I feel like it's guilty until proven innocent, almost.

Jackie commented, “I didn’t know that the criminal justice process, even in a small place like Manitowoc County, could be so corrupt in so many ways.” Participants gained an awareness of factors that influence how defendants fare in the criminal justice process.

Participants commended the series’ commentary on the impact of class and education on the ability to receive a fair and just trial. Mason summarized, “it was important to see that everyone does not have the benefit of having a team of lawyers trying to help them out to ensure they’re innocent. And when you do…you can skew the justice system in your favor, where if you’re poor, you’re kind of thrown to the dogs.” Respondents also recognized the interconnectedness of these circumstances. Larry explained:

> Unfortunately, the whole family seems so uneducated in many aspects of just…they didn’t understand the law they didn’t understand the case, that was the unfortunate part because they didn’t really have someone looking out for them. When Brendan Dassey didn’t have money for an attorney, or his family didn’t, they were given a court-appointed attorney that clearly was not working in his favor. And so unfortunately that’s one of the realities of our justice system. I think we have the best justice system in the world, but it does have its weaknesses, and one of them is money can skew the results of a case.

Emma identified the economic situation of the Avery and Dassey families as their greatest disadvantage. She stated, “I felt bad for [Avery’s] parents. Because they’re obviously, you know, not well-to-do people. And were a different economic background, and that part was sad to me.” Shane advocated for action to combat this inequity, he stated “there needs to be some sort of reform…better lawyers need to defend people who need a defense and can’t afford it and are not educated enough to compensate for having a poor defense.”

Another problem presented in *Making a Murderer* was how the location of a crime (and by extension, investigation and trial) affects the criminal justice process. In

the cases of Avery and Dassey, the conventions of small-town or rural life – such as widespread gossip and exclusivity - influenced public perception of the accused persons, ultimately having a negative effect on their trials. Respondents noted that in a small town like Manitowoc County, news, especially regarding criminal activity, travels fast and wide. Furthermore, the "insiders" (e.g., Manitowoc townspeople) spreading the "news" likely did not take the time to understand the "outsiders" (e.g., the Averys and Dasseys) beyond their criminal identities. Larry explained:

> You can see where the smaller community, where everyone knows each other, that the cards can be stacked against families such as the Avery's. And they're climbing up hill because everyone knows who they are, and why give them a chance? It's just a waste of time and money in their minds.

Participants reported being subconsciously aware of this of small-town prejudice, but *Making a Murderer* opened their eyes to its material consequences. Nine respondents speculated that that they would not have otherwise considered the impact of these factors on a court case if they had not watched *Making a Murderer.* All respondents commented on the great influence class, education, and location have on the outcome of a trial.

All but one participant gained a new or different perspective of the criminal justice process from *Making a Murderer* (as a criminal defense attorney, Adam was aware of this perspective). When discussing the meaning Mason took from *Making a Murderer,* he explained that it was easy to focus on minute details while engrossed in the program, so it took stepping away from the series to get a sense of the overarching themes. Specifically:

> I think the overwhelming theme is really that the justice system is crooked. And I think I say that now because I've been removed from it for a few months. I think as you're watching it, it's like, "ok, is he innocent or guilty?" that's the takeaway. But as I remove myself, it's like, "okay. What do I remember the most about the ten episodes?" And it's how bad all of those officers were.

Shane and David identified the series' perspective as unique because the series involved "people you don't usually see on television." Shane argued that audiences are accustomed to stories of wealthy, educated, urban families, and disrupting this norm was an effective way to promote a different view. Cheryl and Diane also lamented that they had never watched a documentary that incorporated so much from the defendant and the defendant's family. Most participants understood *Making a Murderer* as offering a unique perspective because of its focus on the investigative and judicial procedures.

A final component of participants' definition of important television was creating an emotional connection with the viewer. Of course, all participants shared the connection to Wisconsin. However, this relationship did not appear be especially important to participants. Five participants stated something to the effect of, "the series made Wisconsin look bad," but were not particularly concerned with this result. For example, Diane explained, "I think it portrayed small towns in general in a certain way. I think it's unfortunate that it was Wisconsin seeing that the situation is probably happening in small towns all over the country." Instead, the common aspect that emotionally connected respondents and got them "hooked" was the unjust treatment of Dassey. Cheryl explained, "the biggest thing that bothered me was the nephew" and Shane echoed, "what really stuck with me about the whole story, even though it was about Steven Avery, was Brendan. I felt horrible for Brendan." Larry agreed, "For me, [Brendan's involvement] was the worst part of the story, or the part that was the most unjust. That poor kid being railroaded."

Participants recalled investigators' interrogations of Dassey to be the most heart-wrenching moments. These instances were discussed in all interviews. Nine respondents

believed Dassey was coerced into a confession and treated unfairly during these conversations. They described the interrogations as "tragic," "terrible," and "wrong." The film makers included a significant amount of the interrogation videos in *Making a Murderer,* and participants remembered these moments vividly. Shane explained,

> Before this I never really thought…whenever you hear about false or coerced confessions, I was like, why? How could that possibly happen? If I got charged with a crime I would just be like no, I didn't do it, and I would never change my story because I didn't do it. And then you watch the interview with Brendan Dassey who, granted, is a learning-disabled 16-year-old, but he was so forcefully coerced and it wasn't even subtle.

While only one participant stated that she believed Avery was innocent (April), all participants expressed the belief that Dassey was not involved in the crime. The extent to which this belief was built on the evidence presented in the series or participants' emotional reactions to Dassey is unclear. What is clear was respondents' visceral sympathy for a young boy whom, they believed, was the victim of grave police and prosecutorial misconduct.

A component that did not factor into participants' characterization of *Making a Murderer* as "important" was its ethical implications. I posed the following to participants, "It has been posited that it is unethical to create entertainment based on someone's actual murder. What is your opinion about this argument?" Most participants did not interpret the series as unethical and replied that they had never thought about true-crime "in that way." Many participants also believed the "important" elements of the series justified any controversial elements. They supported this argument by characterizing *Making a Murderer* as more complex than a classic "whodunit" program. They identified film makers' approach as "investigative" as opposed to purely

entertainment-based. Some participants argued that if *Making a Murderer* is unethical, all documentaries are unethical. David explained:

> I don't think it's unethical. It's one of those things where its public domain. That's just like saying, "oh, its unethical to create a documentary about the holocaust because so many people died." Like, we have, MTV, and, VH1 doing documentaries and stuff about the Kardashians and it's no more or less unethical than that is. Because as soon as Teresa Halbach is murdered it ceases to be private, because it's a public matter with a public trial with news coverage, so, no, not unethical to me at all.

The belief that Halbach's death, or any murder, is a matter of "public" interest was a common argument.

Two participants' first reaction to the question of ethicality of *Making a Murderer* was to consider Avery's perspective. For example, David stated, "I don't think it was unethical because Steven Avery okayed it…I mean, murder cases, they have them on TV shows all the time" and Mason echoed, "I suppose it is kind of unethical, isn't it? I assume Steven Avery was aware that this was going to eventually come out." Such responses reflect participants' indifference to the idea that a true-crime documentary may have ethical implications. Both David and Mason mentioned the Halbach family's perspective, but only after considering Avery's stance. When I asked Adam about the ethicality of *Making a Murderer,* he expressed compassion and sympathy for Halbach and her family, but found the larger cultural work that *Making a Murderer* could do to be of more importance. Specifically, he stated:

> Teresa Halbach is dead and her family went through that, that's too bad, and I really wish that wasn't true. But that does not mean that we should not talk about the injustices that Steve Avery endured. If we have a problem with that then I guess we're not ready to have real conversations about the way our society works.

Additional respondents echoed the belief that the series' ends justified the means. In other words, *Making a Murderer* was not exploitive, but "important," because it offered a

public service by raising awareness of cases in which subjective factors unfairly and negatively impacted the criminal justice process.

Participants' characterization of *Making a Murderer* as "important" emphasized its focus on a societal issue, flaws in the criminal justice system. Although participants identified this central idea, their analysis of the series focused on the problems in the cases of Avery and Dassey and rarely connected to the criminal justice system at large. Furthermore, participants explained that this focus was valuable because it sparked meaningful conversations among viewers. However, respondents did not articulate examples of such conversations occurring. Instead, participants explained their conversations with other viewers focused on whether the series was biased or if Avery and Dassey were guilty. Participants also noted that they intentionally did not engage with viewers who did not share their beliefs about the film, creating another missed opportunity for valuable conversation and meaning-making. The incredible story told in the series, as well as the film makers' "bias," distracted participants from engaging with broad social and political issues raised by the film makers.

I have argued that a significant meaning participants derived from *Making a Murderer* was the series was an important program worth viewers' time and attention. Respondents described "important" series' as not only educational and relevant to contemporary problems, but also emotionally appealing and rooted in an exceptionally interesting story. However, participants' description of *Making a Murderer* as a valuable program worthy of conversation did not translate into discussion beyond the topics of bias and guilt. Next, I discuss a sub-theme of "important television," titled "biased television."

Biased television. Participants widely discussed the apparent bias in *Making a Murderer* – the assumption that Avery and Dassey were wrongly accused – yet this "one-sidedness" generally did not detract from their perceptions of the program's value. In other words, the belief that *Making a Murderer* was "important television" was related to an understanding that bias in documentaries is acceptable when the film makers provide evidence viewers perceive to be sound and, like their beliefs about ethical issues, when the ends justify the means.

Participants wrestled with the perspective taken in *Making a Murderer*; they argued that the producers worked from the assumption that Avery and Dassey were innocent. For this reason, nine participants described *Making a Murderer* as either "one-sided" or "biased." Jackie contended that the producers didn't present "much or any of the other side" and David further explained, "the producers obviously had an agenda, they wanted to show everybody that this guy was innocent."

Respondents experienced feelings of disbelief throughout *Making a Murderer.* Jackie explained, "I just remember thinking this is crazy! And I don't understand…I guess, I was just like, what is going on? THIS IS CRAZY!" A similar response came from Adam, who watched six episodes of *Making a Murderer* the night he began watching the series. He lamented, "I just…I could not…I couldn't believe the stuff that I was watching." Participants' incredulity did not automatically translate into the belief that Avery and Dassey were innocent. Respondents were adamant that they kept an open mind and tried to discern the "truth" about what really happened, instead of allowing themselves to be persuaded by the producers' perspective. Cheryl recalled, "I was

skeptical after the first episode. I mean, it made you think…but I wasn't a believer yet." Cheryl further explained:

> I liked the way they led us through the story because they laid it out in a good way, but the fact that they did it that way also made me think that they were leading us to a certain conclusion. It felt like it was edited to the most dramatic effect. I felt like, and that makes me be suspicious of their intentions.

David explained, "I [knew] the writing was biased, at least I think it was, to try to save Steven Avery and make him look innocent, but I thought I was pretty good about making my own judgments, my own decisions." Mason believed documentaries are often "one-sided," so "you should still keep an open mind and see where it leads you." Diane, an avid true-crime viewer, said her experience with similar programs taught her to be skeptical. She explained, "I take everything with a grain of salt. Because they're showing me their perspective on something*."* Participants understood *Making a Murderer* as a slanted perspective of the story and themselves as capable of determining the "correct" or "true" perspective.

Participants understood most of the film makers' presentation of the evidence as "true." Respondents cited the unusual and excessive searches of Avery's trailer and garage as concrete evidence of police misconduct. Jackie was appalled by "the different story of all the people involved and how each person had a part in everything and how some things made sense and some things didn't make sense." Respondents were alarmed by the actions taken by law enforcement to obtain evidence during the investigation. In every interview, participants described these actions searches as confirmation of wrongdoing. David and Mason cited these searches of Avery's trailer and the evidence obtained within them as the most memorable moments in the series. April's following statement encompasses the feelings of many participants:

> Steven Avery's lawyers started questioning, like, hey, why is all of this evidence turning up now that you have involved yourself in the case? Why was there absolutely nothing found on his property until you started working this case? Her keys didn't show up until five days after they started searching that house and they showed up just right there. Like, if it were a snake it would've bitten them. Five days, really? That was one of my biggest things. And the bullet casings and the fact that his blood sample had been tampered with.

Additional participants echoed the belief that the Manitowoc police involvement in the searches severely damaged the legitimacy of the evidence discovered. As mentioned, the Manitowoc sheriffs were only allowed to "provide assistance" to the Calumet county police, in order to maintain neutrality in light of Avery's pending civil lawsuit against Manitowoc. Participants noted that the crucial evidence for the prosecution, including the RAV4 key and bullet casings, were discovered by Manitowoc officers. Further, they recalled that Manitowoc police had access to the vial of Avery's blood stored from his first conviction – the vial that had a pin-sized hole in the top. David stated:

> it was really fishy how the people who were getting sued by Steven Avery found the evidence. You know, it came from them. And I just thought that was kind of corrupt. I think they had a motive behind that. Their intentions in the beginning, whether it was him or not, was to put Steven Avery back in jail. They obviously don't want to pay all that money so they're trying to tee him up and just bust him.

Participants described these discoveries as "convenient" and "at the very least, "suspicious." They felt that the evidence was not solid enough to secure a conviction, akin to the perspective put forth by the film makers. Therefore, respondents did not connect the presentation of evidence in *Making a Murderer* as an example of bias because they understood the evidence to be sound.

Although nearly all participants reported that *Making a Murderer* was "one-sided" or "biased," the degree to which this element affected the value of the series differed among respondents. Emma expressed major concern over the bias and felt that

the issue severely damaged its legitimacy. Of the ten participants, Emma was the only respondent who followed the Halbach case closely at the time it occurred as well as the only respondent who believed that Avery was guilty of the crime. An avid true-crime viewer, Emma commented that she had never watched a true-crime program that had such an obvious bias. One participant, Adam, argued that *Making a Murderer* was not biased and that, although the film makers "left things out," they did so for both the prosecution and the defense. Adam stated that even if the program was biased, he didn't have a problem with it because "the news media isn't exactly fair to the defense." In other words, Adam believed any bias was valid because the defense is traditionally less publicized than the prosecution.

All other participants identified the series as "one-sided" but qualified that it was still a "good" or "important" program. For example, Cheryl stated "I think they tried to be balanced. I think their intent was good…I thought it was fairly well-done, but I do think that some of their bias came through." April echoed, "I think the whole documentary was one-sided. Not that it wasn't good, just that it wasn't giving you a window for another side." Jackie explained "they probably could've added a little more in there to make them look not as biased. But, just the way they present it, I didn't really care about what other people's opinions were." Shane and Larry noted that even if the series had included "more of the other side," it would not have changed their opinion that injustices occurred. As mentioned, Shane argued the bias was justified:

> I think subconsciously I knew there was a bias going on but I was OK with it because [the events in the series were] bullshit. And I think the people who [the bias] ruins it for are the people who think that the bias is telling them that Steven Avery is innocent. But if you get past that you think the documentary is claiming he's innocent and just look at the process itself, the bias is justified.

In other words, Shane felt that the film makers' emphasis on the perspective of the defense was not meant to prove Avery and Dassey were innocent, but to demonstrate that serious mistakes were made in the process, an intent that he understood as defensible against the accusations of bias.

Amid conversations of bias and its impact on the value of media, respondents appeared to firmly believe in the possibility of objectivity and balance, if the film makers were dedicated to this practice. Three respondents, Emma, Cheryl, and Diane, assumed that the film makers intentionally ignored evidence and excluded the Halbachs from the documentary. These respondents were surprised to learn that the film makers did in fact reach out to the Halbach family. David was aware of the film makers attempt to include the Halbachs, but felt that they should have tried harder or "included them more without them actually being on camera…or just more of that side of the story." Shane, who studied journalism in college, argued:

> If you're truly going for an unbiased piece of journalism, you've got to go door to door and be like, "look, I'm going to make you watch this footage, this is what we're going to air unless you have something to say. You need to be able to defend yourself and defend your actions, otherwise it's just going to be "Steven's Avery's innocent, we don't know who murdered Teresa Halbach." You guys need to be in this. And they didn't, I feel like they didn't push as hard as I would've.

These beliefs suggest *Making a Murderer* led viewers to wrestle with questions of "truth" and "bias" in documentaries. Participants ultimately argued that investigative projects should strive for objectivity. Contradictorily, respondents explained that media texts that do not adhere to this standard may still be valuable if the evidence is strong and the program meets the criteria for "important television."

Here, I have explained participants' discussions of "one-sidedness" in *Making a Murderer*. Respondents characterized the series as biased, but, like their understandings

of ethicality, believed the perspective taken was justified because it was supported by evidence and illuminated important problems. This belief reveals a contradiction. Participants believed in the standards of objectivity and balance in investigative projects, yet argued that *Making a Murderer* was justified in breaking this rule. In other words, respondents purport to have strong opinions about filmmaking standards, but waver when it comes down to specific examples. Next, I interpret these themes through the lens of cultural studies and an application of the theory of encoding and decoding (Hall, 1980). Furthermore, I consider the influence of new media on audience engagement with *Making a Murderer*.

Interpretations

Making a Murderer led viewers to experience a range of emotions and to question the fairness of the criminal justice process. However, participants' preoccupation with the "incredible" story told in the series drove them to concentrate on the injustices Avery and Dassey endured rather than understanding the problems as pervasive across the criminal justice system. Respondents also questioned the issue of bias in the documentary, and reached a contradictory conclusion that long-form, investigative projects *should* strive for objectivity, but do not *have* to in order to be valuable. Close examination of the themes and a consideration of the contemporary media environment further contextualizes and complicates participants' responses.

The primary theme, "important television," explored participants' argument that *Making a Murderer* was an exceptionally valuable documentary. Respondents described important television as programs that are entertaining and emotionally engaging, and also take a stance on a contemporary social issue. Connected to the concept of important

television being emotionally engaging was participants' discussions of binge-watching. While participants reported binge-watching the program because it was so compelling, it is also possible that participants' emotions may have been somewhat intensified by watching multiple episodes in a row.

Binge-watching is a behavior afforded by new media. Although it was first available when studios began selling entire seasons of television programs on DVD, the act has taken on a whole new meaning due to streaming services such as Netflix and Hulu (Crouch, 2013). In a Netflix-funded study, researchers found that 61% of respondents regularly binge-watch and 73% have positive feelings about binge-watching (Netflix Inc., 2013). Writing for *The New Yorker*, Ian Crouch (2013) argued that:

> Somewhere in our response to the experience of watching multiple hours of television there is, if not shame, the discomfiting feeling of being slightly out of control—compelled to continue not necessarily by our own desire or best interests but by the propulsive nature of the shows themselves. The cliffhanger is now powerless against our ability to quickly fire up the next episode, and we are powerless in the face of the opportunity.

Similarly, participants described binge-watching as the new normal. Respondents understood binge-watching shows on Netflix as a kind of cultural phenomenon; they believed that most people associate Netflix with sitting down to watch multiple episodes in a row. Respondents stated that Netflix is widely subscribed to, therefore, they could be relatively certain that the peers they recommended the series to could watch it on the streaming service. Netflix hosts a wide variety of programs and updates the collection frequently, enabling participants to quickly move on from one Netflix sensation to the next.

Respondents did not consider the implications of binge-watching and other capabilities Netflix provides. A major reason Netflix has found such success with

commissioned, original programs, like *House of Cards*, *Stranger Things*, and *Making a Murderer*, is because data analytics can predict what people want to watch before the people themselves know (Carr, 2013). Writing for *The New York Times*, David Carr (2013) explained, "film and television producers have always used data, holding previews for focus groups and logging the results, but as a technology company that distributes and now produces content, Netflix has mind-boggling access to consumer sentiment in real time." With this kind of power, Netflix can set consumers' media agendas in ways that will likely cater more to profit than public interest, leaving viewers with the same, recycled plot lines and perspectives (Gray, 2009).

Participants held a variety of opinions about the impact of binge-watching on overall perceptions of a series. April argued that viewers take in too much information at once when they binge-watch a series, leading decreased understanding. Jackie had an opposite opinion. She reported that, "when I binge-watch a show I feel like I'm definitely understanding it more than when I have to wait a week until a new episode comes out. I think I'm even more invested in it, I'm not as distracted." Larry described the effect of binge-watching on perception in yet another way. He stated:

> You get more involved in what's happening and you're holding on to whatever your thought or belief is. You're becoming more and more convinced. So, in this case, if you feel like they're [Avery and Dassey] not treated properly, you're not letting go of that emotion over a week – you're going into the next episode with that emotion and so you become more and more, whatever that emotion is, more and more of that.

The variety of opinions on the effects of binge-watching reflect Petersen's (2016) findings in his study that aimed to discover how, why, and to what effects college students binge-watch. Petersen (2016) found, "while students easily recognize the benefits they get from binge-watching, they fail to see the ways their habit might hurt

them" (Petersen, 2016, p.77). Unlike the participants in Lacalle's (2015) study, respondents did not appear to find it necessary to justify binge-watching *Making a Murderer*. However, it is possible that participants' characterization of *Making a Murderer* as "important" served as a justification for their intense engagement with the series.

Participants' characterization of *Making a Murderer* as an "important" series may be further understood by analyzing the ways respondents engaged with the series outside of watching. Fixation with the program began at the prospect of watching, continued through the viewing process, and remained (albeit, for a relatively short amount of time) after completing the series. All participants reported that they utilized social media to read or join conversations about *Making a Murderer* after they completed the series, an indication that *Making a Murderer* served Lull's (1980) communication facilitation function for viewers. Participants often turned to social media to validate their intense emotions. Mason explained that he logged on to Facebook after he completed the series to because he was "so hyped about [*Making a Murderer*] and [he] wanted to see if other people felt that way, too." Jackie echoed:

> the first person I talked to was my mom, because she was home, and I was like, "this is insane!" And then more people were posting things on Facebook and I was like, okay, I'm not the only one who's seen it and loved it.

Respondents enjoyed liking, sharing, or commenting on peers' posts who shared a similar opinion. Participants did not engage with peers who did not share their beliefs about *Making a Murderer*. However, they vehemently described their opposition to posts they came across on social media that they disagreed with. The constitution of groups whom understood *Making a Murderer* differently reflects Radway's (1991) notion of

interpretive communities, which describes groups of people brought together due to an interest in a particular phenomenon or the use of a similar "interpretive frame" through which they understood media. Participants' responses suggest interpretive communities for *Making a Murderer* were constituted based on beliefs about the guilt or innocence of Avery and Dassey and the degree of importance of the film makers' bias. Furthermore, interpretive communities in this context appear to be more salient online than in-person, a notion that may apply in many new media communities due to the ubiquitous nature of digital media.

Gustafson (2016) stated that the series "catapulted to pop culture phenomenon status." Participants' also believed *Making a Murderer* was especially popular; they explained "everyone" was watching and the series temporarily became a staple of conversation. This characterization led me to wonder, what does *Making a Murderer* tell us about popular culture in its contemporary context?

Jenkins, McPherson, and Shattuc (2002) explained popular culture as an especially difficult term to define, despite it being "the simplest and most pervasive culture" (p. 26). Popular culture has been historically understood as a "debased" form, as opposed to the elite and refined nature of "high" culture (Hall, 1981; Rodman, 2016). However, popular culture has also "stood as a potentially powerful and progressive political force in the battle to define 'culture'" (Jenkins et al., 2002, p. 27). In other words, popular culture cannot be dismissed as depraved and unworthy of study, because it is "a major site of political struggle" (Rodman, 2016, p. 389). This argument is owed in large part to the field of cultural studies. The cultural studies paradigm was constructed in part so scholars may take popular culture seriously as a place for people to exercise

creativity and freedom (Jenkins et al., 2002). As this research has grown, scholars have found that "popular culture is neither simply progressive not regressive. Rather, popular culture's politics continued to be formed not only by the historical context and the individual readers who experience it, but also by the ongoing class battle over who determines culture" (Jenkins et al., 2002, p. 40). Furthermore, the distinction between high culture (often synonymous with "art") and popular culture is collapsing (Jenkins et al., 2002). Participants' responses support these arguments and provide a context. Assuming *Making a Murderer* may be classified as popular culture, we may understand participants' discussions of "important" television as a version of the historical debate over high and low (popular) culture. Participants suggested the debate has shifted from high culture versus low culture to high popular culture versus low popular culture. In other words, respondents understood *Making a Murderer* as popular culture, but also distinguished it as more "important" than other popular culture media. The impulse to deviate between good and bad remains, but the distinction between high and low culture appears to be less important (Jenkins et al., 2002).

Jenkins and colleagues (2002) explained, "popular culture only 'means' something in relation to other readings and readers. We need to know how a particular object of popular culture is presented and experienced before we can begin to define its politics" (p. 41). Therefore, I apply Hall's (1980) theory of encoding and decoding to gain a better understanding of how participants experienced *Making a Murderer.* A prominent way participants decoded, or assigned meaning to, the messages in *Making a Murderer* was by connecting the events in the series to their personal experiences. This strategy allowed them to feel like they could more effectively argue for or against

problems the series raised. In an attempt to comprehend the actions of the Manitowoc sheriff's department, Mason recalled that he did not have a difficult time believing that the Manitowoc deputies were "crooked" because he saw police behave in a similar fashion in a small Wisconsin city during his college years - when he received three underage drinking violations. Diane provided her experience with hiring a lawyer for traffic court as support for the importance of having resources in the justice system. She explained,

> Once I got in a car accident and had to go to court and I paid $300 for a lawyer. I didn't need to have a lawyer but I did and he was a highly-recommended lawyer. He got me off on some crazy technicality. I mean, I didn't even need it. It was all going to be fine. But, like I said, I paid for a lawyer and a lot of people probably don't have the ability to do so.

Two participants connected their experiences growing up in small towns in Wisconsin to the obstacles that Avery faced in Manitowoc. Shane and David explained that they understood the consequences of having a certain reputation in a small town. In David's words, "If enough people don't like you and the people that don't like you are in power, bad things could happen to you." April relayed a story about her cousin, who "made mistakes and got in trouble with the police" but "straightened himself out." Witnessing her cousin learn from his mistakes led April to believe that Avery could have also changed after his missteps and become a better person, one incapable of murdering someone.

The previous examples of meaning-making reflect negotiated readings of messages. Respondents frequently decoded information by applying their personal experiences to see whether the two aligned. Murray (2015) also found that participants drew upon their personal experiences as an interpretation tool in his analysis of reception

of a transgender documentary in France and Spain. However, Murray (2015) noted that the viewers in his study stated the importance of recognizing the differences between their experiences and the experiences of those in the film. Participants in the present study did not acknowledge or reflect upon the differences between their situation and the event in *Making a Murderer* that they were comparing, even though the differences – such as receiving an underage drinking ticket versus being framed for murder – were distinctive.

Although participants easily connected to events and people from *Making a Murderer*, they did not appear to connect, or react, to the issue of a murder taking place in an area they are familiar with. Participants may have recognized that the question of who murdered Teresa Halbach was not the only question to be unraveled in the series. *Making a Murderer*, like previous popular true-crime documentaries, presented one mystery to raise more (Murley, 2008). An observation by Larry provides another potential reason that viewers may not be especially bothered by murder. He said,

> In [a large Midwestern city] unfortunately there are 500 murders a year. I'm not going to read the details of 500 murders and the majority are gang on gang violence, and so I compartmentalize and say, "oh, unfortunately another gang member was killed." When obviously, 100% of them aren't that. These are real people with real families who are dealing with horrible things. It's just sad that they aren't treated as human as they should be.

Applying Larry's argument to *Making a Murderer* suggests that audience members have become so accustomed to true-crime that we are also able to compartmentalize and simply view Halbach as another victim in a true-crime story.

David suggested that respondents did not interpret *Making a Murderer* as unethical because they have grown accustomed to stories about lurid crimes; true-crime is "enormously popular" across media platforms (Murley, 2008). The focus of Murley's

(2008) book, *The Rise of True Crime,* may reveal another reason why the morality of *Making a Murderer* was left unquestioned; Murley (2008) aimed to uncover and explain the techniques true-crime media utilize "to make meaning out of violent and irrational acts in contemporary American society" (p. 5). Considering this perspective, *Making a Murderer* succeeded in making meaning out of a horrific tragedy by focusing on the lessons that may be learned from the situation and not directly addressing the fact that in order to do so, a gruesome murder must be offered up for entertainment.

In regard to participants' interpretation of the film makers' central argument, I argue that respondents took a dominant position, or decoded the message in the way the film makers intended. However, this argument rests on another contention, that Demos and Ricciardi were unsuccessful in presenting the message they hoped to put forth. In other words, the film makers presented an important message that audience members accepted, but this was not the message Demos and Ricciardi hoped to send. Demos and Ricciardi explained the purpose of *Making a Murderer* as to "ask bigger questions about the [criminal justice] system" (Torres et al., 2016). Yet, the series more clearly promoted a localized look at the criminal justice system; *Making a Murderer* emphasized the investigation and trials of Avery and Dassey more than connecting their plight to the injustices happening to many defendants in the system. Schulz (2016) explained:

> The series presents Avery's case as a one-off—a preposterous crusade by a grudge-bearing county sheriff's department to discredit and imprison a nemesis. (Hence the ad-hominem attacks the show has inspired.) But you don't need to have filed a thirty-six-million-dollar suit against law enforcement to be detained, denied basic rights, and have evidence planted on your person or property. Among other things, simply being black can suffice. While Avery's story is dramatic, every component of it is sadly common. Seventy-two per cent of wrongful convictions involve a mistaken eyewitness. Twenty-seven per cent involve false confessions. Nearly half involve scientific fraud or junk science. More than a third involve suppression of evidence by police.

Furthermore, this perspective served to emphasize the vindication of wronged individuals rather than working to reform the system that wronged them (Schulz, 2016).

If the *actual* overarching message of *Making a Murderer* was, as I argue, that the criminal justice system failed Avery and Dassey for a number of reasons, then nine respondents "correctly" decoded the dominant message. Participants acknowledged the incredible impact class, education, and location had on the outcome of the cases against Avery and Dassey. However, participants did not necessarily connect the injustices in *Making a Murderer* to systemic problems with the criminal justice system. Respondents, including Larry, Emma, and Mason, still expressed confidence in the system as a whole, arguing that the weaknesses exposed in *Making a Murderer* were minor. Additional participants expressed frustration with the flaws, but were comfortable concluding that it was a problem beyond repair. Diane said the following about the problems with the system revealed in *Making a Murderer,* "I think it's sad. But I also don't know how I would fix it" and Cheryl echoed, "It's not OK. But I don't think anything can be done to change it." Shane and Adam were the only participants to advocate for swift action to alleviate the disproportionate injustices faced by persons who are disadvantaged economically, educationally, or socially. Regardless of the way in which participants interpreted the central argument of *Making a Murderer,* they all challenged the way we administer criminal justice, if only at the state or local level.

Participants ultimately upheld hegemonic ideals and practices through their belief that they could not do anything to change or improve the flaws in the criminal justice system. This claim effectively led participants to reestablish the forces that they called into question during their viewing of *Making a Murderer* by choosing not to analyze or

attempt to change the dominant discourse surrounding this powerful institution. This response supports an argument posed by Ouellette and Hay's (2008), that audience members are "made and continually reinvented as active, responsible citizens" through television series' like *Making a Murderer.* The response also connects to Morley's (1992) argument that audience members may not understand media messages in expected ways based upon their socioeconomic position; rather, viewers interpret media by considering a variety of surrounding discourses while operating within determinate conditions. *Making a Murderer* essentially prompted viewers to question a powerful force in society while also interpellating audience members as citizens dedicated to the nation's institutions and values. Respondents engaged with the film's discourse of inequality, but fell back on an understanding that, not them, but those in power had the ability to affect change. Respondents decoded the central thesis in *Making a Murderer* through a lens of citizenship, leading them to ultimately reaffirm the power inequities they spent 10 hours condemning.

An emphasis on the flaws in the case against Avery and Dassey reflects the notion that it is much easier to examine a particular case than to challenge an entire institution. Furthermore, participants' tendency to denounce the Manitowoc County sheriff's department specifically reflected an unwillingness to accept that the problems that were exposed are happening all over the country (Griffin, 2016; Timm, 2016). Furthermore, participants identified that *Making a Murderer* did not remain a topic of conversation for long after it was released. Respondents noted that *Making a Murderer* quickly lost its momentum on social media and in public conversations. As April described, "it just kind of died off and no one's talked about it since. It was literally a craze for two weeks, and

then nothing." Respondents cited various reasons for moving on. Emma explained that "when it goes off the news, you kind of forget about it." Cheryl and David noted that the situation was sad, so they did not want to dwell on it. Although participants were captivated by *Making a Murderer,* the ability to binge-watch the series and partake in conversations on social media led respondents to engage rapidly and at a surface-level. In today's media environment, there seems to always be another popular culture phenomenon on the horizon, hampering the possibilities for meaningful and critical conversation before moving on to the next trending program.

Summary

In this chapter, I presented the themes I established from a thematic analysis of ten interview transcripts. The primary theme, "important television" and its sub-theme "biased television," detailed participants' understanding of *Making a Murderer* as an especially meaningful series despite issues of bias and ethicality. The interpretations section expanded upon these themes and utilized Hall's (1980) theory of encoding and decoding to delve deeper into participants' interpretation processes. This analysis detailed my argument that the film makers' intention for the series was unsuccessful; the flaws in the justice system remained rooted in the specific cases of Avery and Dassey. The film's failure to connect the occurrences in *Making a Murderer* to widespread inequity and systematic problems resulted in respondents understanding *Making a Murderer* as a valuable commentary on prescient social issues, but not feeling empowered to call for change. The new media environment contributed greatly to this understanding of the series. The ability to binge-watch, converse with viewers who shared similar opinions,

and move on to a new show immediately after watching, combined to distract participants from the series' social and political commentary.

CHAPTER FIVE: RECOMMENDATIONS AND CONCLUSIONS

Introduction

Making a Murderer was an "unexpected sensation" that became "a word-of-mouth true-crime phenomenon" (Itzkoff, 2016) upon its release on December 18, 2015. Subsequently, Ricciadi and Demos have announced that they will be produce a second season (Itzkoff, 2016) and special prosecutor Ken Kratz has published a book refuting the claims made in *Making a Murderer* (Thompson, 2017). Avery's new layer, Kathleen Zellner, expressed confidence that Avery will receive a new trial and a federal judge overturned Dassey awaits the ruling of an appeal set to determine whether he will be released from prison receive a new trial (Kertscher, 2017). In light of these developments, Avery's previous lawyers, Jerry Buting and Dean Strang, speculated that successful true crime documentaries like *Making a Murderer* and *The Jinx* "could change the way high-profile cases are investigated" (Lateline, 2016).

I aimed to reveal meanings audience members derived from *Making a Murderer* and to connect these meanings to the contemporary media environment. After conducting ten interviews with adults who watched the entire season and lived in Wisconsin for at least two years prior to viewing the series, I analyzed the responses through thematic analysis. I noted two themes: "important television" and its sub-theme, "biased television." Working from a cultural studies perspective and through the application of Hall's (1980) theory of encoding and decoding, I argued that the series prompted participants to question their trust in the criminal justice process as they considered the injustices endured by Avery and Dassey in *Making a Murderer*. However, the series'

focus on Avery and Dassey undermined the crucial connection of this case to the similar inequities occurring across the nation. Participants generally did not engage with these broader implications and did not feel compelled to advocate for change. In the following pages, I offer recommendations, discuss limitations, provide directions for future research, and draw conclusions.

Recommendations

The alleged bias of *Making a Murderer* was an overwhelming topic of conversation upon the release of *Making a Murderer;* Ricciardi and Demos encountered a firestorm of both anger and appreciation from viewers. While many applauded the film makers (Ramaswamy, 2016), others accused them of intentionally leaving out pertinent information (Merry, 2016) and creating "an advocacy piece" (Torres et al., 2016), and many did a little of both (Vielmetti, 2015). In response, the film makers stood firm that they did not set out to promote Avery's innocence. Ricciardi explained, "What we set out to do here was essentially check up on the American criminal justice system, to see if it was any better at delivering truth and justice in 2005 than it was in 1985" (Smith, 2016). Ricciardi and Demos also used these opportunities to promote reform; in response to the online petitions asking President Obama to pardon Avery and Dassey, Demos stated:

> It's understandable that people wanted to get involved. But we are trying to encourage people think more deeply about the series is about – what is it that upset them, and what they learned from the series. And how they can get involved to ensure that justice systems deliver verdicts that we can rely on. (Smith, 2016)

The film makers reminded fans that "this is an election year" and to "Tell your representatives what you want from the system" (Smith, 2016). I recommend that the film makers continue to advocate for change as they move into the process of preparing for a second season of *Making a Murderer.* I also suggest that Ricciardi and Demos begin

reminding the public of their intentions now, before the second season, to allow the focus of the documentary series to be fully heard and understood and not overshadowed by more allegations of bias.

All participants conducted some form of outside research regarding *Making a Murderer* upon completing the series. However, this research was often limited to social media and BuzzFeed. Websites such as Facebook, Twitter, and BuzzFeed may foster conversations and the exchange of ideas, yet it is important for audience members to understand the purposes of these sites and to also draw from credible news sources to craft informed opinions and discover different perspectives (Vraga, & Tully, 2015).

Furthermore, all media messages are ideological and rooted in financial and political stakes, and it is important to recognize these factors in the decoding process to understand, analyze, and challenge this type of communication (Vraga & Tully, 2015). Therefore, I recommend that universities require students to take at least one media literacy course during their undergraduate career. Media literacy is "a field and a movement that promotes and facilitates critical thinking skills oriented toward media messages" (Ciurel, 2016, p. 13), and it has developed into one of the central requirements for taking part in society (Pfaff-Rüdiger, & Riesmeyer, 2016). Media literacy courses have been shown to have a positive effect; researchers at the University of Kansas found that workshops designed to help students understand how and why media portray racial minorities in a particular manner improved college students' attitudes toward blacks and Latinos (Phys.org, 2016). Children and teens also benefit from media literacy courses, and there is an increasing need for these age groups to gain media competency as they "are participants in a shared culture where new social media, digital media distribution,

and digital media production are commonplace among their peers and in their everyday school contexts" (King, 2011). Therefore, I also recommend mandatory media literacy classes, or workshops, for this population. In a media environment where the boundaries between news and entertainment are increasingly blurred, the ability to differentiate between sources, critique media, and craft competent arguments based upon the information provided is crucial (Ciurel, 2016).

Limitations and Directions for Future Research

While participants reported a wide range of experiences and beliefs, it is of note that all participants were white, had or were pursuing a college degree, and were likely members of the middle to upper class, based upon their reported occupations and experiences. Future research on *Making a Murderer* must make a greater effort to discuss the series with a diverse group of participants to present a range of perspectives and interpretation processes. Regarding *Making a Murderer,* interviewing people of color would have been especially enlightening. In the nation at large, publicization of police killings of black people were increasingly forcing the public to acknowledge institutional racism, state violence, and the everyday dehumanization of black people (Squires, 2016). A study by *The Guardian* found, "Young black men were nine times more likely than other Americans to be killed by police officers in 2015" (Swaine**,** Laughland**,** Lartey & McCarthy, 2015, n.d.).

Future research must foreground the importance of context. Projects situated within cultural studies projects are committed to analyzing the articulations between media and the historical, political, and social climate (Rodman, 2014). I focused on the connections between participants' responses and the surrounding media environment.

This focus was limited and disregarded influential factors such as the 2016 presidential election and the "cutting the cord" phenomenon (replacing cable with a streaming service). In a future research project, a researcher might consider asking participants to discuss their thoughts about the importance of a media object in the contemporary context. Such a project might also conduct several interviews with each participant to learn more about each individual's social position. This commitment would allow the researcher to provide rich descriptions of the ways in which audience members come to perceptions of media.

This project was also limited by time. To meet deadlines, I made choices about the research I would highlight and that which I could not include. Such decisions impacted the ways in which I understood my project. In a larger project, I would include scholarship on fan studies, governmentality, and genre theory. Furthermore, my argument would be bolstered by additional research regarding the evolution of new media.

Discussions of documentary and investigative journalism noted that the distinctions between the two projects are breaking down in the contemporary media context (Goldson, 2015). Long-form investigative media producers must incorporate tactics from popular media in order to grab and maintain viewers' attention (Jenkins, 2008). I found that participants recognized such "borrowing" and found it to effective and non-problematic. However, most participants did not identify the blurred boundary between documentary and fiction that *Making a Murderer* approached. More research should investigate audience members' perceptions of the increasingly blurred line between media formats and the impact this overlap has on viewers' interpretations, especially regarding media that are believed to be "factual" and "truthful," such as

documentaries (Murley, 2008). This research is especially relevant as we enter the "post-fact" or "post-truth" era (Applebaum, 2016) in which "objective facts are less influential in shaping public opinion than appeals to emotion and personal belief" (Flood, 2017).

Finally, the announcement that *Making a Murderer* film makers are producing a second season of the series provides an ample opportunity to analyze audience members' positions over time or compare audience members' perceptions between the two seasons. A research may also study the content of the two seasons of *Making a Murderer* as the first took ten years to create and the second will be likely be produced quickly to capitalize on current interest (a release date has not been provided) (Burke, 2016).

Conclusions

The present study contributes to scholarship in audience studies and cultural studies and intersects with literature on documentary and new media. This research added an audience reception analysis in the true-crime context to the field of audience studies. Furthermore, this study advances the limited scholarship on audience reception of documentary films.

This inquiry also contributed an understanding of audience engagement with Netflix to audience studies scholarship. Netflix allowed participants to binge-watch *Making a Murderer,* and most respondents reported that they watched the series in this manner. Participants identified varying opinions about the effects of binge-watching on comprehension and attitude. Those who binge-watched the series reported doing so to join conversations about the series online and in person with their friends, family, and colleagues. Furthermore, participants intentionally did not log on to social media accounts while watching *Making a Murderer* for a fear of reading "spoilers." These

actions suggest that audience members prioritize popular culture television series to stay up-to-date on conversations surrounding the topic.

Making a Murderer and participants' reception of it complicated Hall's (1980) theory of encoding and decoding. The dominant perspective of the criminal justice system as it is traditionally understood did not align with the film makers' encoded message; the position that the criminal justice system is flawed became the dominant or preferred reading, while the belief that the system is effective and appropriate took an oppositional position. While interesting, this change of perspective and the way in which it is reported through Hall's theory could be improved if the theory was expanded upon to include a framework for programs such as *Making a Murderer* that intentionally question societal norms and standards. This addition to the theory may allow the negotiation of encoded meaning and resultant decoding of the message considering the standard in society to be clearer. An addition such as this would be especially pertinent in today's context because the act of questioning institutions and powerful forces is being more prevalent (The Opportunity Agenda, 2014). However, as stated by Griffin (2016), **"**unless our empathy generates demand for greater procedural integrity, only the narrative will change while the system stays the same."

At the start of this project I asked, "what about this program is captivating so many people? And what, if anything, are viewers gaining from watching the series?" I also pondered the following argument posited by Schulz (2016):

> we still have not thought seriously about what it means when a private investigative project—bound by no rules of procedure, answerable to nothing but ratings, shaped only by the ethics and aptitude of its makers—comes to serve as our court of last resort.

Making a Murderer appeared to captivate participants because it was based on an exceptionally compelling story and arguments that were seemingly well-supported by evidence. Furthermore, respondents were intrigued by a story told from the perspective of the defendants, especially because their social and economic situations typically exclude them from popular television and mainstream discourse. Participants acknowledged that they gained knowledge of inequities in the criminal justice process. However, this recognition largely did not extend to the pervasive systematic problems in the criminal justice system itself. A private investigative project serving as society's "court of last resort" means popular culture media have the power to dominate and shape public discourse in meaningful ways. In a "post-truth" society, this power is increasingly concerning. Will media producers capitalize on consumers' preoccupation with emotion and personal experience, or will they stand up for arguments based on logic and evidence? The answer remains to be seen, but the "court of last resort" has spoken in regard to *Making a Murderer.* It has shown the power of individuals with no personal connection to the case to promote a particular perspective, resulting in the re-devastation of a family and town and public humiliation and condemnation of small-town law enforcement, prosecutors, and judges, while others profit from the murder of a vibrant, skilled, young woman.

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APPENDIX A: PARTICIPANTS

First Name	Last Name	Age	Occupation	Binge-watch?
Cheryl	Newman	54	Associate lecturer	Yes
April	Haas	21	Student/server	Yes
Larry	Jensen	43	Currency trader	Yes
Diane	Copp	31	Financial systems supervisor	No
Jackie	Larsen	25	Early childhood special education teacher	Yes
Adam	Santorini	28	Criminal defense attorney/public defender	Yes
David	Miller	24	Account executive	No
Shane	Beecher	24	Marketing and client relations manager	Yes
Emma	Pope	56	Wife/mother	Yes
Mason	Martin	27	Physical therapy assistant	No

APPENDIX B: FACEBOOK POST

"Hello everyone! I am conducting research for my thesis in my Master of Arts in Communication degree. I am focusing on audience perception of *Making a Murderer*. I would love to talk to anyone who is willing to share their opinions about this topic with me. If you or someone you know might be interested, please contact me at bree.trisler@marquette.edu for more details. Please do not comment on this post so that we can keep the information private. Thank you in advance!"

APPENDIX C: E-MAIL/FACEBOOK MESSAGE TO PARTICIPANT

Subject: Participation in Research Study

Body:

Hello,

I'm e-mailing you today because [name of referrer] indicated that you may be interested in participating in a research study. I'm conducting interviews for my Master's thesis and am looking for participants. The purpose of this interview is to gather information regarding audience perceptions of the documentary series *Making a Murderer.* Interviews are expected to last approximately 45 minutes. The time, place, and date of interview at your convenience.

If you are interested in participating, please send me an e-mail indicating your interest at bree.trisler@marquette.edu. Participants must be between 18 and 65-years old, have lived in Wisconsin for at least 2 years at some point, and must have watched the entire *Making a Murderer* series. Individuals will not be excluded based upon race, ethnicity, age, or any other variables besides the previously stated requirements.

Please let me know if you have any additional questions.

Bree Trisler

APPENDIX D: INFORMED CONSENT FORM

MARQUETTE UNIVERSITY

AGREEMENT OF CONSENT FOR RESEARCH PARTICIPANTS

Making an Audience: An Analysis of *Making a Murderer*

Bree Trisler

Diederich College of Communication

Communication Studies Department

You have been invited to participate in this research study. Before you agree to participate, it is important that you read and understand the following information. Participation is completely voluntary. Please ask questions about anything you do not understand before deciding whether or not to participate.

The purpose of this study is reveal audience perceptions of *Making a Murderer*. Participation in this study includes one interview expected to lasted approximately 45 minutes. The interview will be audio-recorded and transcribed to ensure accuracy. All information you reveal in this study will be kept confidential. Participating in this study is completely voluntary and you may withdraw from the study and stop participating at any time. You may skip any questions you do not wish to answer. If you choose to withdraw from the study, your data will be extracted and destroyed. If you have any questions about this research project, you can contact Bree Trisler at bree.trisler@marquette.edu. If you have questions or concerns about your rights as a research participant, you can contact Marquette University's Office of Research Compliance at (414) 288-7570.

I HAVE HAD THE OPPORTUNITY TO READ THIS CONSENT FORM, ASK QUESTIONS ABOUT THE RESEARCH PROJECT AND AM PREPARED TO PARTICIPATE IN THIS PROJECT.

_____

(Printed Name of Participant)

_____

_____

(Signature of Participant) Date

APPENDIX E: IRB APPROVAL FORM

MARQUETTE UNIVERSITY
Be The Difference.

Office of Research Compliance

Schroeder Complex, 102
P.O. Box 1881
Milwaukee, Wisconsin 53201-1881

P 414.288.7570
F 414.288.8781
W marquette.edu/researchcompliance

February 9, 2016

Ms. Bree Trisler
Communication

Dear Ms. Trisler:

Thank you for submitting your protocol number HR-3102 titled, "*Reasonable Doubt is for the Innocent: An Audience Analysis of Making a Murderer*" to the Office of Research Compliance (ORC). On February 9, 2016, a determination of exempt status was made under the following category or categories:

- Category #2: Educational Tests, Surveys, Interviews, or Observations

Your protocol has been granted exempt status as submitted. Before proceeding with your research, you may be required to adhere to other MU policies, and state and federal laws governing activities you seek to employ. Visit ORC's website (http://www.marquette.edu/orc/irb/policies.shtml) for an inconclusive list of related links which are independent of MU IRB review/approval.

Minor changes to the project may be emailed to orc@mu.edu. Major changes, or changes affecting participant risk, require submission of a Protocol Amendment Form which can be found on the ORC web site. These changes must be reviewed and approved by the IRB before being initiated, except when necessary to eliminate apparent immediate hazards to the human subjects. If there are any adverse events, please notify the Marquette University IRB immediately.

Please submit an IRB Final Report Form once this research project is complete. Submitting this form allows the Office of Research Compliance to close your file.

Contact the IRB office if you have any further questions. Thank you for your cooperation and best wishes for a successful project.

Sincerely,

Jessica Rice
IRB Manager
Office of Research Compliance

cc: Dr. Bonnie Brennen
Ms. Sherri Lex, Graduate School

JR/tk

APPENDIX F: INTERVIEW PROTOCOL

Icebreaker questions:

1) Hi! Thank you very much for agreeing to meet with me. How are you today?

2) [Overview] As you know, today we will be discussing your opinions about *Making a Murderer*. Do you have any questions before we begin?

3) Please tell me about yourself.

(Choose one or two of the following):

a) Tell me about your family.

b) Tell me about your friends.

c) Tell me about your hobbies.

d) Tell me about your core values or beliefs.

Probing questions:

1) What led you to watch *Making a Murderer*?

a) How did you watch the series (on a TV? Laptop? With friends? Alone? While doing homework? Binge-watch?)

i) How do you think binge-watching a series affects your comprehension of the material?

2) What were your impressions after completing the first episode?

a) Towards the middle of the series?

b) What were your overall impressions after you completed the series?

i) Did you talk about the series with anyone after it was completed? If so, who? What was the conversation like?

ii) Did you complete any additional research after completing the series? If so, what kind? How did this research impact your previous beliefs about the series?

iii) Did you see the online petition to pardon the defendants? Did you sign it?

3) What are your opinions about the making of this documentary series?

a) It has been posited that the film makers were biased in their presentation of the evidence. What is your opinion about this argument?

b) Do you think the film makers should've tried harder to include the Halbachs?

4) It has been posited that it is unethical to create entertainment based upon someone's actual murder. What do you think about this argument?

5) It has also been posited that the series exploits the Averys, who are poorly educated citizens of low-socioeconomic status that may or may not understand the consequences of their participation, in order to create entertainment. What do you think of this argument?

6) Have you watched other documentaries or documentary series?

a) If so, what are some that you have watched? How did it/they compare to *Making a Murderer?*

Follow-up questions:

1) Is there anything else about *Making a Murderer*, true-crime documentaries, or any other related topics that you would like to add?

a) Do you have any comments, suggestions, or questions for me?

2) Do you have any friends who watched *Making a Murderer* that you feel may be comfortable participating in this study?

3) Thank you very much for your time. For any questions or further comments feel free to e-mail me.