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Giving voice to the accused: *Serial* and the critical potential of true crime

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**ABSTRACT**

The first season of *Serial*, to date the most popular podcast in the medium’s decade-long history, told the story of the conviction of 18-year-old Adnan Syed in 2000 for the murder of his ex-girlfriend, Hae Min Lee. At the center of *Serial*, producer Sarah Koenig presented Syed’s voice, his take on the prosecution’s evidence, and his own contemporaneous experience. This essay examines the way *Serial* used Syed’s voice to challenge institutional truth claims from within the textual space of crime journalism. “Criminal biography,” as a genre affordance of true crime, offers a textual means to interrogate modes of truth production and representation.

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**The voice at the center**

“This is a Global Tel*Link prepaid call from …” the almost cheerful female voice on the automated message breaks off, and a man says his own name, “Adnan Syed,” before the cheerful voice returns to label the man “an inmate at a Maryland correctional facility.” For each of the 12 episodes of the premiere season of the NPR podcast *Serial*, listeners were introduced to Adnan Syed in this way. Syed spent nearly 15 years in prison before the 2014 release of *Serial*, a 12-part narrative of the murder of his ex-girlfriend, Hae Min Lee, and Syed’s trial and conviction for her murder in 1999 and 2000. Throughout those 12 episodes, Sarah Koenig, a producer for the weekly radio program *This American Life* and host of *Serial*, parsed the evidence in Syed’s trial. Recounting the state’s case, she took listeners down blind alleys of suspicion about secondary suspects, testing out the state’s theories in dramatic narrative audio. Though *Serial* offers a broad purchase for studies of the formal innovations of serialized nonfiction audio storytelling—such as the use of cliffhangers to cultivate a growing audience, the presentation of a developing narrative as information became available after the show began airing, and the interplay and influence of extratextual elements such as online investigations and recap podcasts —Koenig’s primary textual work lies in her centering of Syed as the subject.

At the center of *Serial*, Koenig presented Syed’s voice, his take on the prosecution’s evidence, and his descriptions of his experience both before and after he was sentenced to 30-years-to-life in prison for the murder of Lee when he was only 18 years old. The manner in which Koenig used Syed’s voice in *Serial* represents both an embrace of the conventions of
true crime, a genre she has publically disparaged,¹ and a novel approach to producing truth in a journalistic text.

Compared with routine, daily newspaper crime reporting, contemporary true crime, a long-form genre rooted in compelling and complex stories, more often strays away from institutional sources.² The genre’s openness about the origins of truth goes back at least to sensational sixteenth-century murder pamphlets and narratives in Europe and early America³ and came to modernity through the proliferation of crime news in the late-nineteenth-century American penny press.⁴ In the twentieth century, a codified industry of true crime magazines, books, television, and films emerged, but the accused has rarely been a prominent source of truth in any of those narratives.⁵ A new breed of contemporary true crime offers a hybrid of mainstream journalism’s empirical rigor and traditional true crime’s narrative demands, producing a textual space for the accused to introduce their own form of Foucault’s subjugated knowledge.⁶ Along with the producers of these texts, the accused can alter the discourses through which power is established, creating a narrative record that challenges the modes of knowledge production that criminal justice is predicated upon.

Focusing on Koenig’s use of Syed’s voice in Serial, in this essay I explore the textual practice of giving voice to the accused as a discursive strategy for challenging the status of institutional truth claims in journalism and other nonfiction narratives. Understood through the historical and sociological contexts of both professional journalism and the true crime genre, Koenig’s journalistic practices will be treated as cultural and critical practices that challenge the simplistic view of journalism’s epistemological stance, aligning it more closely with the preoccupations and perspectives of cultural studies.

**Journalistic practice, representation, and truth claims**

Journalism specifically, and all nonfiction narratives in general, exist in the constant tension between, on one hand, the foundational importance of practice and routine in the production of representations of reality and, on the other, the epistemological claims of the form to certitude and truth. Stuart Hall argued that in looking at journalistic narratives and trying to reveal “why-the-content-is-like-that,” scholars must connect “the residues of long habitual practice” with the very concrete representations “of the events and personalities in the news.”⁷ The nature of any representation of reality rests, therefore, on the practices of the producer of that representation. For James Carey, journalists “live in a world of practices. These practices not only make the world, they make the journalist.”⁸ Journalistic routines and practices, then, become the very foundations upon which truth is produced.

Both traditional journalism and true crime rest on what Barbie Zelizer has called “the originary status of fact, truth, and reality.”⁹ Despite its reliance on sensationalism and literary devices often associated with fiction,¹⁰ “true crime promotes itself as ‘actuality,’ as ‘realism,’ ‘as existing in fact.’”¹¹ Koenig’s argument that Serial is something essentially different, less exploitative and sensational than true crime in general,¹² aligns her with many so-called “up-market” true crime producers who distance themselves from sensationalism, insisting that their own work is grounded in the evidentiary truth claims of mainstream journalism.¹³ As such, true crime, like all journalism, claims something more than a purely literary representation of reality, claiming instead to provide “an
indexical and referential presentation of the world at hand." These truth claims ignore not only the positionality of the producer of the representation, but also those routines and practices that constitute the basis for that representation.

Sourcing practices play an essential role in determining representations of truth in crime narratives. The political economy of American journalism, in particular, is such that institutional sources are privileged over other sources in the production of stories, and therefore representations of truth. In the nineteenth century, as commercial newspapers emerged, American journalists came to “regard anything done by official sources … as the basis for legitimate news.” Additional economic incentives, such as the ready availability of government institutions as “trusted” sources for the production of quick stories to fill the “newshole,” reinforce this routinization.

In their study of crime reporting in Britain, Hall et al. found that in the production of routine crime news, journalists relied on institutional sources—in this case the police, the courts, and other government agencies or experts—more heavily than in most any other area of news. In his study of the American press and crime reporting, Surette found that although many different institutions and individuals acted as gatekeepers in the typical reporter’s information-gathering process, the person accused of the crime was rarely, if ever, directly accessed before stories were produced. The stories, and therefore the representations of the reality of crime, “are almost wholly produced from the definitions and perspectives of the institutional primary definers.” Those accused of crimes are not considered “legitimate” sources of truth, and therefore “counter-definitions are almost absent” and “dominant definitions command the field of signification relatively unchallenged.”

Furthermore, experienced journalists, editors, and even journalism educators “teach students that nothing is true until the police confirm it,” often excluding other voices from influencing the representation of truth in stories of real crime. These routines of representation constitute a discourse of power based in a textual form. By using the conventions of true crime to subvert these sourcing routines, Serial serves as an example of how journalists can interrogate both the epistemological authority of American criminal justice institutions and the journalistic narratives that rest upon and constitute that authority.

Institutional truth and discourses of power

Courts and police garner their authority through their ability to surveille and incarcerate those who disrupt the norms of law and order. These institutions have dominated the production of truth in crime narratives throughout history. This dominance of the discursive conditions surrounding crime has led Biressi to position the true crime genre within Foucault’s vision of “modernity and the discourses of the Enlightenment which support it, as simply spreading and diffusing surveillance and ‘carceral’ techniques throughout society.” She further argued that “true crime may be analyzed and contested for reiterating rather than challenging the conventional power relations played out between victims and criminals, between criminals and the law and between the state and its citizens.”

This reiteration and reconstitution is one of the chief discursive strategies of power made apparent in journalistic texts about crime. For Foucault, power relations cannot be established without the discourses that make them sensible. Power cannot be exercised without the “discourses of truth which operate[s] through and on the basis of this association.” This circularity—“[w]e are subjected to the production of truth through power
and we cannot exercise power except through the production of truth."—binds the power exercised by institutions to the narratives that constitute this power. Sensational true crime texts, because of their dual function in producing pleasure and knowledge, may serve as especially strong discourses in the establishment and exercise of power, in part because of their ability to “secure a definitive and authoritative reading of the case” and “to prime them [the public] for the reception of directive messages.” In their relation to the practice of power, true crime narratives throughout history have differed little from routine crime reporting.

Scholars who have looked empirically at the institutional bias of news narratives, such as McChesney, Hall et al., and others have explored how the resultant representations reinforce the norms of law and order. This reinforcement is achieved both through the representation of crime as a fleeting disjuncture in the normative order and through the representation of noninstitutional sources, such as those accused of crimes, as “deviants” who function outside of the system. Dominant representations in true crime have been no different. True crime narratives have relied on the courts as sources at least since the sixteenth century, with police becoming primary sources in the early twentieth century with the rise of popular true crime magazines; some of the formative books in the genre were even written by former police and prosecutors. Consequently, these narratives worked toward “the maintenance of the status quo with a law-and-order bent.”

However, prominent new developments within true crime, particularly in Serial and other recent popular narratives, challenge these assumptions about true crime’s reiteration of “conventional power relations.” Many newer true crime texts take as their central narrative thrust “the prosecution of the prosecution,” or a deconstruction of the logic, evidence, and context of the conviction of the accused. A few rare examples of this focus on interrogating the justness of a conviction or punishment appeared as early as The Newgate Calendar, a popular series of books collecting crime narratives in eighteenth-century Britain. In the penny press era of nineteenth-century urban America, the pressures of commercial competition even inspired enterprising reporters to seek truth outside of the institutions of the courts and police, often to gruesome, sensational ends.

Yet, even those early examples of the subversion of institutional power never treated the accused as sources of truth, relying instead on victims, witnesses, or the reformist logic of the writers themselves. A biographical focus on those accused or convicted of crimes, however, runs back at least to seventeenth-century England, when true crime narratives “fixed their gaze squarely on the criminal.” The genre form of “criminal biography” offers a textual space for the accused to assert their voice as a point of resistance in the discourses of power from which they are otherwise excluded. The producers of Serial take particular advantage of this narrative tactic.

The criminal/accused biography as a point of resistance

In the production of routine news, individuals and groups who dissent from the norms of law and order are represented as “deviants.” This representation produces a discourse in which the institutional narrative is legitimated, and any contradictory truths are overwhelmed. The contradictory truths revealed by criminal biography—the truths of the “deviants” or Foucault’s “delinquents”—can be understood as a subjugated knowledge
that has “been buried and disguised in a functionalist coherence or formal systemization.”

The routines of institutional truth in most crime narratives serve to obscure this knowledge, but Foucault argues that critical acts work to reveal such subjugated knowledges. Contemporary true crime, like *Serial*, performs this critical function by refusing to privilege institutional sources over the accused in the representation of the reality of a crime, thereby recovering the accused as a source of knowledge production.

However, whether through the conservative conventions of the genre or the demands of the audience, traditional popular true crime books have tended not to include cases where the institutional knowledge was substantially challenged, even when the producers of those texts gathered knowledge from noninstitutional sources. By psychopathologizing criminals and contextualizing crimes, true crime books have for decades served to reassure the reader by making sense of senseless crimes instead of challenging institutional truth. Though the criminal may be a key source in the truth-producing process of the true crime book author, in the final text they are often silenced. As Murley writes, “[T]he stories of murder [in true crime books] were both terrifying and oddly reassuring. No matter how dreadful or devious, the killers were always caught and punished.”

As full-length book treatments of single crimes began to dominate the genre in the midtwentieth century, classic texts such as *In Cold Blood* in the United States and *Beyond Belief* in Britain cemented the form as criminal biography, with the gaze of the author and reader rarely leaving the criminal at the center of the story. Though true crime books retained a conservative view toward authority and law and order, the authors focused on contextualizing the criminal’s behaviors, often through psychopathology. Still, these texts, in their particular use of biography, elide “the political, economic, and discursive practices by which the criminal subject is produced.” This lack of social and political contextualization was not unique to true crime. Routine crime reporting likewise rarely interprets criminal justice outcomes in terms of “historical, sociological, or political perspective[s].”

The tension between reality and representation in the conventions of true crime has allowed recent projects like *Serial* to retain aspects of criminal biography, but to shift focus to critique the criminal justice system by placing the voice of the accused in a prominent textual space, allowing narrative room for questions of innocence. Scholars of the genre have anticipated these developments. For Seltzer, true crime asks its audience to question the legitimacy of an objective truth by “always taking stock of itself” by being transparent about the act of observation and “the conjectural reenactment of the crime” in its representation in narrative form. Biressi writes that the genre “tests the boundaries of the very notions upon which it depends—common sense, the triumph of law and the responsibility of its citizens in the maintenance of the good society.” In this way, contemporary true crime uses the same strategies as traditional true crime to offer a “point of resistance” to substantially alter representations of crime and reality, thereby challenging the truth that constitutes the practice of power. Though historically true crime is about a breakdown in the established social order, these new texts shift their focus to breakdowns within the criminal justice system.

*Serial* demonstrates that the true crime genre’s formal affordances as criminal biography can facilitate a critical textual practice that interrogates the representations of truth produced by institutional sources. These cleavages with routine crime reporting do not mean that true crime “eschew[s] the mainstream dimensions of news most closely
aligned with journalism’s sense of self,” as Zelizer has observed of other nontraditional journalism genres, but rather that it offers an unexpected formal corrective to current practice.\(^{52}\) Furthermore, these features allow true crime stories to embrace what Hartley argues both journalism and cultural studies share—the ability to “interrogate decisions and actions on behalf of ‘governmental’ discourse of appropriate behavior (legal and ethical)”\(^{53}\)—in other words, to “antagonize people in power,” which McChesney claims routine reporting never can do.\(^{54}\)

**Method: journalistic truth and textual practice**

In this essay, I treat the text of *Serial* as a “structure of meanings” which “employ[s] symbolic means, shaped by rules, conventions and traditions.”\(^{55}\) Theory and historical context are used to reveal how the structure—*Serial’s* formal nature, as shaped by Koenig’s reporting and the conventions of true crime storytelling—determines the text’s meanings and how it functions in its “broader social framework.”\(^{56}\) In examining Koenig’s interviews with Syed and her contextualization of those interviews within the text of *Serial*, I will explore how those journalistic practices can function as critical practices.

Following Hall and Zelizer, I position the text as a site in which to access and interrogate the intersection of practice and the representation of reality. If the reader and critic can do nothing but “work with the reality we have: the reality of the paper print, the material item,”\(^{57}\) then emerging developments in the practices producing that reality can provide focal points for scholars who wish to empirically connect the phenomenon, the text, and the social context in which they both reside.

In this study, I examine textual conventions to see how truth is made sensible. Scholars of traditional crime reporting and true crime narratives have explored ways in which reporting and writing practice constitute truth claims. Techniques placing the reporter and the reader within the milieu where the crime is committed produce narratives in which “the gap between writing and actuality has been closed …. The location of the truth of the crime, the truth spoken above, is ‘out there.’”\(^{58}\) The routine use of quotations in crime narratives “is the most economical way of making someone believe: one is invited, or coerced, into believing because one hears, or reads, that someone else somewhere else believes it.”\(^{59}\) Therefore, the context and placement of textual elements—particularly how Syed and other sources are presented within the podcast—reveal how Koenig dislocates the truth produced by traditional routine crime reporting.

In preparation for this analysis, I listened to the first season of the *Serial* podcast four times and then read each episode’s transcript. Familiar with this broader context, I then isolated sections of the transcripts in which Koenig uses Syed’s voice, for the purpose of deeper textual analysis. My observations focused on the intersections between Koenig’s knowledge production strategies and the conventions of true crime.

The theoretically informed interpretation that follows is driven by the following questions: How does Koenig incorporate Syed into her investigation of the truth claims of the courts and the police? How does Koenig use natural contextualization, such as long stretches of uninterrupted interviews, in contrast with narrative contextualization, in both her presentation of Syed’s voice and the institutional voices, to balance the presentation of both? How does Koenig use Syed’s voice in terms of his biography in relation to her investigation of his conviction?
Coinvestigating with the accused to reveal institutional flaws

*Serial*, like many other true crime texts, tells not only the story of the crime, but also the story of the producer’s investigation of the crime and its aftermath. For some cultural critics, this represents “a truly radical kind of crime reporting,” though a thorough telling of the author’s investigative process has been an integral part of many popular true crime narratives since the middle of the twentieth century. Yet Koenig’s presentation of her own beliefs about Adnan’s guilt as “evolving” and “uncertain,” for other critics, “was part of her strength as a narrator” and it is this process of evolution that makes it so “[t]he listener becomes more like a co-conspirator than a distant observer.”

Along with an openness about reportorial process, the “intellectual and psychological oscillation so characteristic of Koenig and Snyder’s *Serial*” allows listeners to “understand the ambiguities such a story involves.”

However, what sets *Serial* apart from many other true crime texts is Koenig’s positioning of Adnan Syed as a coinvestigator of the story at the center of the podcast. This reverses the standard gatekeeping function of institutional investigators in routine crime reporting. Throughout the 12 episodes of *Serial*, Koenig consistently allows Syed’s voice to both steer the direction of her investigation and to resolve overarching questions arising from prior reporting. These techniques allow Syed’s accounts to exist in tension with the institutional accounts that existed before *Serial* was produced. Regardless of whether Syed is guilty or innocent, Koenig uses this adaptation of the true crime genre’s fixed gaze on the criminal to challenge the narrative upon which Syed’s conviction rests.

From the beginning of the first episode, Koenig establishes a pattern of presenting an aspect of the state’s case to listeners and allowing Syed to answer the state’s claims in his own words. Syed was not able to do this at trial because his lawyer advised against his testifying in his defense. In this first episode, Koenig focuses on Syed’s alibi, or lack thereof. Before presenting any evidence from either the court case or Syed, Koenig creates rhetorical doubt about the likelihood that a teenager could recall what he or she was doing six weeks prior to being questioned, by asking a number of teenagers what they were doing six weeks ago. Having created this doubt, Koenig questions the state’s timeline for Lee’s murder and then continues by allowing Syed to explain why he might not remember where he was or what he was doing at that time when he was questioned about Lee’s murder six weeks after the fact.

Like the recollections of the other teenagers Koenig has presented, Adnan’s memories are vague, based on his own extrapolations of what he would have been doing on a normal day at that time:

> It probably would’ve been close to time for me to break fast. He [Jay] would have came to pick me up, and we would have went to go get something to eat. And then we would have smoked some weed after, right? And then I would have had to have been home around 7, 8 o’clock, right?

Koenig and Syed work together—Koenig in her contextualizing narration, Syed in his statements complicating the state’s case—almost as a team investigating Syed’s conviction. Here a key element of the prosecution—that Syed could not account for his whereabouts during the time they claim Lee was killed—is contextualized in a way that weakens the authority of the institutional narrative. Later in the same episode, Koenig tracks down
an alibi witness, whom she found through Syed, and speaks with her. This alibi witness confirms she encountered Syed at a public library during the time the prosecution claims that Syed killed Lee. The witness even signed an affidavit describing the encounter at the time, though she was never called to trial to testify. When Syed’s family hired a new lawyer to argue for a retrial on the strength of this evidence, Koenig reports, the witness balked. “Asia [the witness] said she was spooked when the private investigator came to her house,” Koenig says. “I don’t know if that’s why she didn’t testify at the hearing or why she made the call to the prosecutor [recanting her testimony].” None of this information, however, was made public until Koenig allowed Syed and his advocates to help reshape the narrative of the crime.

Koenig repeats this pattern of following Syed’s lead, using him, and occasionally his friends, as a contrast to the institutional voices privileged by the criminal justice system and routine crime reporting. Throughout the podcast, the epistemological authority of those institutional voices is counterbalanced by Koenig’s insistence on taking Syed’s voice seriously. She follows him down rabbit-holes of hypothetical arguments against the prosecution’s case, such as in episode five, when she tests Syed’s theory that it would have been impossible for him to leave school and arrive at the scene of the crime at the prosecution’s defined time for the murder. Though Koenig essentially disproves Syed’s theory—it was possible, however unlikely—her willingness to follow his ideas to their conclusions produces more doubt and gives Syed more narrative authority than merely allowing him to explain his theory. In this way, Koenig gives Syed the “narrative capacity [that] constitutes a precondition for giving an account of oneself,” a capacity Syed did not have previously.

**Balancing narrative distance with context**

Koenig also shows a willingness to vacate the primary space of the narrative, allowing Syed’s voice to stand on its own and occupy the space of “current discourse” creating textual moments that are purely, if only momentarily, dialogic, in that she gives up her interpretive authority, and de-privileges the institutions’ interpretive authority, in favor of a dialogic authority.

The nature of Koenig’s access to key figures in the story told in *Serial* flips the traditional roles of institutional and noninstitutional sources in the production of narrative truth. In routine crime reporting, the statements of the police and courts are often quoted directly as “the authoritative pronouncement of privileged definers outside the media.” This institutional truth is presented as “out there” in reality, as those voices “outside the media” are often directly quoted and not filtered through other sources. The accused, on the other hand, often does not have the “right of reply” to present an “alternative definition” of the truth in routine crime reporting. When criminals are represented at all, they are represented by and through the institutions of control. The cops and judges are quoted directly, whereas the suspect’s voice only exists through police interviews or, if he or she testifies, court transcripts. This disparity draws the institutions to the foreground of narrative truth and pushes other voices, particularly those of the accused, further away.

In *Serial*, Koenig flips these roles a number of times by presenting Syed’s statements as quotations—direct audio of him speaking—within the narrative flow of the story and not
within the context of her interviews with him. Conversely, much of the institutional evidence is presented either through Koenig’s paraphrasing or through recordings of police interviews or courtroom testimony. Syed’s voice, then, is presented as “out there” because it is directly quoted, whereas the voices of the police officers, the prosecution’s star witness, lawyers and judges, remain couched in their original context. Thus the voices of those institutional sources are at a remove from the “reality” of the narrative because it is their context—the interrogation, the testimony—that is “out there,” not their individual voices. Beyond the criminal justice context, the amplification of Syed’s voice may counteract the already amplified media voices that constitute the structure that surrounds Syed as a subject.77

Literary scholars and linguists have conceptualized these different levels of context as belonging to a “discourse space.”78 When a statement is presented in the “current discourse space,” such as Syed’s direct quotations within the narrative of Serial, they are “situated in reality” because through them, Syed is presented as “an actual person always accessible in the discourse,”79 whereas the presentation of the original context surrounding a voice serves to distance it from the current discourse space. Though this inversion of the discursive authority of the institutions and the convicted may be incidental—Syed made himself available to the producers of Serial while the police, judges, and the prosecution’s star witness did not—the resulting narrative form may embody one way in which Serial, and other contemporary true crime texts, can work as critical texts. Koenig’s practice of distancing the institutional sources and bringing Syed to the foreground acts toward balancing the authority of those voices within discourses of crime.

For instance, in episode 4, Koenig includes long, uninterrupted segments from a recording of a Baltimore detective interviewing the prosecution’s star witness.80 Koenig does some contextualizing work before the narrative switches to these recordings, summarizing the function of the witness’s testimony in the state’s case, but the way she introduces each segment of the detective’s interview distances the witness’s statements from the level of current discourse. Before the first segment, Koenig says, “In the first taped interview, the detectives ask Jay [the witness], why would Adnan turn to someone he didn’t even know all that well to help him with this murder?”81 Though Koenig then occasionally interrupts the taped interview to interject comments, these interjections function only to clarify a garbled bit of audio or to add more context. The witness and detective are presented as speaking to each other, not to Koenig or the audience, as Syed always is.

The nature of the detective’s interview, an institutional piece of evidence, produces discursive moments where the witness further removes himself from the level of current discourse. For example, the detective asks the witness why he did not come forward earlier and tell the police that he knew Syed killed Lee. “Can we stop for a second?” the witness asks. “Can you stop that?” he asks again. The detective replies, “If you have any questions, you can ask me on tape.”82 The poor quality of the interview audio and the directionality of the witness’s and detective’s statements—toward each other, instead of toward the listener—remove both from the current discourse. Here, the witness’s acknowledgement of the recording process, and his request to remove himself from it, call attention to the narrative distance and reduce narrative authority.

Furthermore, during an extended interview section later in the episode, the narrative is threaded together by the detective, with the witness merely answering in the affirmative.
“He actually killed her—,” the detective says. “Yes,” the witness replies. “—at Best Buy?” “To my knowledge.” “To your knowledge?” “Yes.” “You weren’t present for that?” “No, sir.”\[83\] The back-and-forth goes on. This exchange sets the witness’s statements at a further remove, because their content is presented by the detective, not the witness himself. The witness is not “an actual person always accessible in the discourse,”\[84\] but only part of the material evidence that Koenig is then able to contextualize in her narrative. After this long section of interview, she says, “Jay is saying ‘I figured there were security cameras at Best Buy so that’s why I lied—because I didn’t want to be associated with it.’ What is he talking about? This is nonsensical.”\[85\] The only voice of these three at the level of current discourse, “situated in reality,”\[86\] is Koenig’s own.

Contrast this with Koenig’s treatment of Syed’s voice in the same episode. Speaking about his interview with the detectives in the case, Syed says, “They said some, something like, ‘We know what you and Jay did,’ or, ‘We talked to Jay’—and I’m like ‘Jay? Jay?’ like I had a look of puzzlement on my face—like, like what? What do you mean? Like what do you mean ‘Jay’?”\[87\] Here, not only is the narrative space filled with Syed’s voice, but the representation of the situation “out there”—his interrogation by the detectives—is contingent on his voice. In this and many other instances, Koenig presents Syed’s voice by itself. She rarely presents the questions she asked Syed to prompt his statements, instead first giving context and then vacating the space of current discourse so Syed can inhabit it.

In this manner, Koenig has not only created a radically dialogic text, but also placed each source of information—her own voice, Syed’s, the witness’s, and the interrogator’s—at different levels of discourse, where each source’s “authority as a constituting subject”\[88\] is determined by its distance from the level of current discourse. In the end, within the closed discourse of *Serial*, this inversion of narrative authority may not mute “the immutable gulf between those who exercise power and those who undergo it,”\[89\] but only reverse the flow of power. Looking beyond the single text, however, this inversion may be necessary to balance those flows of power and produce more just outcomes for Foucault’s “delinquents”\[90\] and Hartley’s “deviants”\[91\] who have been so disadvantaged by the discourses created by professional journalists and other producers of media.

**Resistance through autobiography**

At least one critic wrote that this profuse use of Syed’s voice helped him seem “warm and appealing,”\[92\] noting that “[j]ust about everyone interviewed on *Serial* likes Adnan—even those who think he’s guilty.”\[93\] Koenig complicates Syed’s appeal throughout the podcast, however, saying in the first episode, “He has giant brown eyes like a dairy cow. That’s what prompts my most idiotic lines of inquiry. Could someone who looks like that really strangle his girlfriend? Idiotic, I know.”\[94\] Her dismissal of this Lombrosian biologizing of Syed’s “innocence” however, does not prevent Koenig from pursuing biography as an entry into the case.

Her biographizing at times works in the opposite way. In a later episode, Koenig asks Deirdre Enright, director of investigation of the Innocence Project Clinic at the University of Virginia, “What if he [Syed] is this amazing sociopath and I’m just being played?”\[95\] Enright has just agreed to look into Syed’s conviction to see if there are grounds for dismissal or to seek a mistrial. Though Koenig’s statement may be offered as merely a
hypothetical aside, the context of potential exoneration shows that, as another critic wrote, “Perhaps the strangest part of Koenig’s relationship with Syed is the likelihood that it could have enormous consequences on Syed’s life.”96

The biography Koenig is working to combat, by allowing Syed to air his voice in public, is the biography of the convicted Syed, a “sociopath,” a young man with “giant brown eyes like a dairy cow” who “really strangle[d] his girlfriend”97 and has denied it for the past 15 years. Counterintuitively, perhaps, it is the conventional form of the true crime genre in which Koenig is working—the criminal biography—that allows her, with Syed’s help, to assert a different, more complicated biography that reveals, in part, “the political, economic, and discursive practices by which the criminal subject is produced.”98

In the second episode of Serial, Koenig summarizes the biographical narrative developed by the prosecution in their case against Syed:

Adnan was betraying everything he held dear for this girl. As a good Muslim he was not supposed to be dating and so he was sacrificing his religion and lying to his family all just so he could be with her and it twisted him up inside. And Hae’s diary seems to be where they found some evidence for that.99

Later Koenig reads from Lee’s diary:

He told me that his religion means life to him. He tried to remain a faithful Muslim all his life but he fell in love with me which is a great sin. But he told me there is no way he’ll ever leave me because he can’t imagine a life with me.100

However, Koenig helps Syed to complicate this biography, first by saying that this sounds bad for Syed, but then by giving Syed space to assert his own interpretation. She says, “[A]sk the Muslim in question about it, and it all seems so much smaller,” then allows Syed to explain: “I may have said it as a joke you know like, ‘man, hey, I’m going to hell because I’m dating you,’ or something, but I never meant it in the type of way that she took it.”101

Koenig’s emphasis on Syed being a Muslim is telling. The remainder of the episode is given to Syed describing his life as a typical American teenager—going to prom, smoking weed, having sex, writing brooding poetry—to counter the biographical construct of the scorned and angry Muslim man. His friends, his teachers, and his mother provide context for these biographical details. Even Syed’s verbal manner—he often starts a sentence and then backtracks multiple times before arriving at a complete thought, interjecting with “man” and “like” repeatedly—presents him as something other than a murderous religious zealot.

Though this does little to prove that Syed was less capable of committing the crime, it does counteract an important part of the discourse established through Syed’s biography as early as the investigation stage of his case. In episode 11, Koenig reads from a report prepared for the detectives in Syed’s case by a consultant who “helps law enforcement understand other cultures”:

For her [Lee] to have another man, dishonored both Adnan Syed and his belief structure. It’s acceptable for a Muslim man to control the actions of a woman by completely eliminating her. . . . [W]ithin this harsh culture he has not violated any code, he has defended his honor. For many ethnic Pakistani men, incidents like this are commonplace and in Pakistan this would not have been a crime but probably a question of honor.102
Though Koenig has no proof that the detectives took this report into consideration when investigating the case, the prosecutor did bring Syed’s “Muslim-ness” up at trial. Discursive acts like the consultant’s report work to find Syed’s guilt, in Foucault’s words, “in the story of his life, from the triple point of view of psychology, social position and upbringing,” all three of which reside, here, in his identity as a Pakistani American male. Biography constitutes motive; criminal and crime are one and the same.

By aiding Syed in complicating the institutionally constituted biography, Koenig is helping him practice a critical ontology of himself “through a continual practice of freedom which draws on models that are suggested and imposed on us by culture.” Those models are the practices of journalism and the genre conventions of true crime, which Koenig uses in Serial to complicate the deterministic complicity of criminal biography.

Syed’s ontology of himself, however, is much less fixed than the state’s ontology of him. In the ninth episode, he reasserts the importance of religious faith in his life and the role it may have played, if he were more observant, in protecting him from incarceration. Syed says, “At the end of the day, if I had been just a good Muslim, somebody that didn’t do any of these things,” like date a girl outside of his religion or mess around with drugs, he wouldn’t be in jail all these years later. In his own ontological performance, his faith did not cause him to murder his girlfriend. Instead, his lack of faith put him in the position to be convicted of her murder.

Perhaps, though, this lack of fixity, this fluidity and flexibility reveals the nature of Koenig and Syed’s critical practice. Like Foucault’s juxtaposition, in I, Pierre Riviére, of the memoir of a nineteenth-century parricide and the contextual work of scholars, this form of criminal biography complicates rather than simplifies the criminal as subject. Throughout Serial, Koenig develops a conversation, sometimes internal and sometimes with Syed, about the importance of biography in Syed’s conviction. In episode 12, Koenig says, “Adnan told me all he wanted was to take the narrative back from the prosecution.” In the episode before this, she describes the question of biography—could such a likable guy really commit such a crime?—as “the hard center of Adnan’s case.” Well before this point in the narrative, Syed has challenged the whole prospect of getting at his innocence through biography. In episode six, after Koenig tells Syed that part of her fascination with his case is that he is “a really nice guy,” Syed rejects the possibility that she can even know him from the conversations they have had on the telephone. Moreover, whether she knows him or not should have little bearing on whether he should be in prison or not. Syed says,

“I feel like I want to shoot myself, if I hear someone else say, “I don’t think he [sic] did it cause you’re a nice guy, Adnan.” I would love to hear someone say, “I don’t think that you did it because I looked at the case and it looks kind of flimsy.” I would rather someone say, “Adnan, I think you’re a jerk. You’re selfish. You know. You’re a crazy S.O.B. You should just stay in there for the rest of your life. Except that I looked at your case and it looks, you know, like, a little off.” You know, like something’s not right.”

It takes Syed’s rejection of Koenig’s attempt to find his innocence in his biography to reorient her back to examining “the facts” in the case. Still, she returns to biography repeatedly as the narrative progresses after this exchange, and biography comes to play multiple discursive roles: the source of both deviance and exoneration, an ontological object obscuring
the ordering of facts, an epistemic purchase into the narrative, and a false center which the truth-making process of criminal justice coheres around and relies upon.

Both biographies—of Syed as cold-blooded killer and Syed as average American teenager—rely on the idea that the criminal, or the innocent, exists before the commission or noncommission of the crime. The disparity between the two biographies does reveal, though, that different contexts can produce radically different criminal subjects and that, through a critical engagement with the textual character of biography, true crime can facilitate a “continual practice of freedom” for such subjects, in a way that routine crime reporting does not.

Conclusion: contemporary true crime as archaeological critique

Though *Serial* serves as an important case study in examining how the true crime genre can interrogate institutional truth claims by challenging the textual practices of journalists who produce stories of real crimes, a broader epistemological dislocation becomes clear through this analysis. Koenig, as a journalist and a producer of true crime, establishes the authority of her narrative by insisting on “the originary status of fact, truth, and reality” as all other producers of journalism and true crime do. Yet, these truth claims are complicated by problems of representation. Sourcing is only one of many ways in which the practices of journalists form the representations of people, institutions, and events. Though Koenig’s sourcing strategy exposes the listener to an alternative criminal biography, Syed resists Koenig’s attempt to access any truth through any biography. His resistance reveals the journalist’s inability to access reality through discourse and rhetoric. This interrogation of biography as a way to arrive at objective truth, which Koenig facilitates and participates in, hints at the epistemological weakness of other forms of knowledge in criminal justice contexts, such as forensic science, eyewitness testimony, and psychological profiling, and offers an example of how journalistic practice, which tends to reinforce the epistemic strength of these knowledges, can also be turned into a critical tool for questioning them. True crime draws our attention to how these forms of knowledge can be subverted, offering an analytic purchase for interrogating the relationship between power and truth.

More concretely, the work of critical journalists like Koenig can affect criminal justice outcomes. Errol Morris’s groundbreaking documentary film, *The Thin Blue Line*, was one of the first, and still one of only a few, true crime texts to lead to the exoneration of a convicted individual. Similarly, *Serial*, its spinoff podcasts, and the crowdsourced investigations of the case on Reddit and other websites, contributed to Syed receiving an appeals hearing in February 2016. Other recent true crime texts have led the public to question other convictions and perhaps to look more skeptically at routine criminal justice procedures and outcomes. The new batch of popular true crime texts “are contributing to the debate over the role that factors such as race, class, privilege, and (sometimes) plain bad luck can play in matters of criminal justice.” As Linda Williams has written of *The Thin Blue Line*, true crime can produce an “awareness of the final inaccessibility of a moment of crime, violence, trauma, irretrievably located in the past,” but when journalists like Koenig treat their work as a critical practice, where institutional truth is questioned, they can also reveal, to a broad audience, inequities in the American criminal justice system.
According to Foucault, one critiques not by merely “saying that things are not right as they are” but by revealing “on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices that we accept rest.” The assumptions established by the practices of routine crime reporting and the form of criminal biography produced by the majority of true crime texts throughout history have contributed to the modes of thought upon which socially accepted criminal justice practices rest. However, both Syed and Koenig participate in a sort of archaeological critique of the discursive strategies that constitute the criminal subject in the criminal justice context, in media, and in public narratives. This same critical practice may be a central textual element in many true crime texts that seem to break with the conservative conventions of the often-maligned genre; in The Thin Blue Line, Errol Morris questions the epistemological authority of eyewitness testimony; in Remembering Satan, Lawrence Wright challenges the ontological soundness of criminal confessions; in The Staircase, Jean-Xavier de Lestrade challenges the role of forensic science in accessing the truth. By shifting their focus away from failures in the social order, which has been the focus of true crime throughout the genre’s history, these new texts interrogate failures of practice within the criminal justice system and, by extension, the complicity of journalists in propping up that system’s strategies of power and knowledge production.

Notes

12. Remnick, Episode 12.
16. Ibid., 31.
20. Hall et. al., *Policing the Crisis*, 68.
21. Ibid., 69.
24. Ibid., 16.
25. Foucault, “Two Lectures,” 93.
26. Ibid., 93.
30. Hall et. al., *Policing the Crisis*.
35. Ibid., 11.
42. Foucault, “Two Lectures,” 81.
43. Ibid.
55. Hall et. al., *Policing the Crisis*. 17.
56. Ibid., 16.
69. Ibid.
74. Hall et al., Policing the Crisis, 75.
75. Acland, “Tall, Dark, and Lethal.”
76. Hall et al., Policing the Crisis, 69.
81. Ibid.
82. Ibid.
83. Ibid.
85. Koenig, Snyder, and Chivvis, Episode 04.
87. Koenig, Snyder, and Chivvis, Episode 04.
90. Foucault, “Two Lectures,” 81.
94. Koenig, Snyder, and Chivvis, Episode 01.
96. Shavin, “The Murder Plot.”
97. Koenig, Snyder, and Chivvis, Episode 01.
100. Ibid.
101. Ibid.
111. Ibid.
112. Foucault, “Michel Foucault.”