D E M O C R A T I C C O M M U N I Q U É

Unmaking a Murderer: Technological Affordances and the Emergence of Virtual Audience Investigative Communities

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After the release of Serial *in 2014, and* Making a Murderer *in 2015, the internet was abuzz with discussion about the cases chronicled in these two groundbreaking pieces of media. However, there was another group of individuals so inspired by the stories of Adnan Syed, Steven Avery and Brendan Dassey, that they took to cyberspace to advocate for these men whom they viewed as victims of an overzealous or even corrupt criminal justice system. This essay examines how the convergence of several new technologies- new modes of distribution, streamlined production processes, new means of organizing on the web- facilitated the rise of a new type of digital collective, Virtual Audience Investigative Communities (VAICs). Like other fan communities, VAICs are a type of digital community that materializes in response to media texts. While they are structurally similar to traditional mediated fan communities, the primary distinction is that the vast majority of fan communities revolve around fictional texts. In the case of these VAICs,* Making a Murderer *was merely the genesis for a wide range of investigative and advocacy activities that went far beyond what was presented in the ten-hour documentary series. In these communities, members tactically theorize, collaborate, and collectively deploy their available resources and capabilities in an attempt solve crimes or correct a perceived injustice depicted in particular piece of media. This essay chronicles the history and development of virtual audience investigative and advocacy communities from obscure cultural phenomena to an established domain of fan practice.*

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On December 18th, 2015, audiences around the world found themselves transfixed by the story of a man exonerated by DNA evidence after serving eighteen years in prison for a rape he did not commit. The narrative, constructed over the course of ten years by two film students, raised doubts about the case against Steven Avery and the criminal justice system charged with adjudicating his fate. What was once a story of unequivocal culpability, narrated by police and prosecutors, had been transformed into a tale about reasonable doubt and the nebulous character of what we call the truth. But Steven Avery's tale of endemic corruption, rogue detectives, and unscrupulous prosecutors might have faded from the headlines if not for the legions of online investigators who zealously took on the case.

In the immediate aftermath of Steven Avery's arrest for the murder of Teresa Halbach, the *New York Times* featured an article titled, "Freed by DNA, Now Charged in New Crime" (Davey 2005). On the other side of the country, at Columbia University, Moira Demos and Laura Ricciardi read that *New York Times* article, borrowed a camera, and travelled to Manitowoc County, Wisconsin in search of a compelling story that might serve as a vehicle for a broader investigation into the mechanics of injustice. The pair would ultimately spend over a decade following the trials, compiling footage, and conducting interviews that would eventually culminate in the ten-hour documentary series, *Making a Murderer*. The narrative constructed by the filmmakers and the capacities of digital technology proved a potent convergence, sparking a movement that is signaling fundamental transformations of the topography of justice.

When we think about the administration of criminal justice, a few salient images come to mind. There are the austere police officers and prosecutors charged with enforcing the law, the venerable judge tasked with adjudicating it, the orange jumpsuits of the convicted and accused, and the imposing courthouses and municipal edifices, material instantiations of the system which simultaneously conceal its machinery and testify to its legitimacy. However, something new is taking shape, something that is challenging the hegemony of these longstanding embodiments our most essential social enterprise. Now it is possible to imagine, alongside these enduring symbols of American justice, something entirely different. This essay argues that the convergence of several new technologies and technical systems—new modes of distribution, streamlined production processes, new means of organizing on the web—helped to facilitate the rise of a new type of digital collective, virtual audience investigative communities. It charts the efflorescence and interdependence of two spheres of media intervention: media artifacts purposively constructed to correct a perceived injustice, and coordinated responses to these accounts of injustice that build on the foundations laid by these initial interventions. In *Twitter and Teargas,* Zeynep Tufekci argues that "Technology rarely generates absolutely novel human behavior; rather, it changes the terrain on which such behavior takes place" (Tufekci 2017, p. 131). The goal of this essay is to identify and understand the engines of sociality that have reconfigured, and are yet reconfiguring, the terrain of criminal justice. How—as a result of which sociotechnical forces, and within which particular landscapes of signification—did the emergence of this type of community become possible?

Unraveling Injustice

Despite its widespread popularity and its considerable profitability, the true crime genre still carries somewhat trivial connotations. It tends to bring to mind the sensational

encounters with law enforcement depicted on television shows such as *Cops*, or the cheesy cinematic reconstructions characteristic of programs like *Wives with Knives* and *Swamp Murders,* not Peabodys and Academy Awards. However, alongside the trivial and sensational, there has emerged a separate sphere of programming which retains the label of of true crime but sheds the unnecessary frivolousness. Unlike that which aims to reproduce reproduce an already cemented reality, these are tactically deployed aesthetic interventions that construct their own version of reality. Instead of objective observers, filmmakers and journalists are increasingly assuming the role of advocate and turning what were once local local dramas into global spectacles. This section traces the emergence and development of this peculiar subgenre of true crime, which deploys the potency of storytelling to contest truth and reconstitute reality in the pursuit of justice.

This tradition of media intervention began in earnest with the 1988 release of Errol Morris' *The Thin Blue Line*. The film, which investigated the murder of a Dallas police officer and scrutinized the case against the man convicted of the crime, utilized a series of emotive cinematic recreations, an original score by Phillip Glass, extensive interviews with key characters, and a dramatic audiotaped confession from the state's primary witness, to alter the landscape of media advocacy. This film was groundbreaking for its use of innovative cinematographic techniques typically reserved for narrative fiction, but more so for its role in securing the release of Randall Dale Adams', the film's primary subject, from Texas' death row. Fuhs, signaling the film's enduring significance, writes, "Ever since Errol Morris's *The Thin Blue Line* (1988) pressured the Texas courts to reexamine and then overturn the conviction of Randall Dale Adams, documentaries concerning the pursuit of legal justice have proliferated" (Fuhs 2014, 783). Film scholar Linda Williams asserts, "Errol Morris's *The Thin Blue Line* [serves] as a prime example of this postmodern documentary approach to the trauma of the inaccessible past because of its spectacular success in intervening in truths known about the past" (Williams 1993, p. 12). Moreover, Sorrento (2016, p. 244) argued:

> In the documentary's goal to deliver absolute truth to the viewer, the crime documentary has developed, thanks largely to Morris's film, as a collective attempt for filmmakers to assume the role of avenger when no actual one could solve, or failed to solve, a problematic case. Here we see the crime genre bring the wrongfully accused, the victim(s) in front of the camera, and a filmmaker shaping a narrative of truth."

In its quest to reveal flaws in the state's case against Randall Dale Adams and construct their own case for innocence, *The Thin Blue Line* inaugurated a new type of media intervention, and demonstrated that the arbiter of social knowledge is whoever crafts the most compelling story. Morris used narrative to, at once, expose the contingent nature of our understanding of the past, and to create tangible change in the present. No longer were filmmakers forced to capture and recapitulate some truth of the world, because Morris' film had supplied the template for constructing a world of doubt.

After *The Thin Blue Line*, a number of filmmakers tried to replicate Morris and his ability to play a determining role in human affairs, with varying success. One of these efforts that proved massively fruitful resulted in a documentary entitled *Paradise Lost: The Child Murders at Robin Hood Hills*. Sorrento (2016) states plainly that the filmmakers "Berlinger and Sinofsky wanted to follow the lead of Errol Morris" (p. 257) and intervene in a perceived

perceived injustice. Released in 1996, distributed by HBO and set to the music of Metallica, this film documented the trials and subsequent convictions of three teenagers for a triple homicide in West Memphis, Arkansas. The documentary generated so much public support for the trio that two further documentaries were produced to document their appeals and to follow the growing movement to free the "West Memphis Three." This campaign, which generated a groundswell of support for the convicted teens and was comprised of ordinary individuals and celebrities from Johnny Depp to Pearl Jam, can be thought of as the precursor precursor to the type of advocacy community that will be explored later in this essay.

While Sorrento (2016, p. 258) argued that "as a filmmaker-as-avenger piece, it didn't achieve the immediate success of Morris," the movement it helped catalyze picked up right where the film left off. The movement consulted experts, studied evidence, and proposed alternate suspects and theories. Even without the instruments of coordination and collaboration made available by digital media, this coalition was able to sustain its advocacy efforts for fifteen years, demonstrating the potency of this brand of aesthetic intervention and its capacity to spark movements for social and political change. Adkins (2008) did, however, write about the movement's utilization of early forms of digital media, ancillary products and even more traditional forms of media advocacy like benefit concerts. Although the movement to free the West Memphis Three does not yet cross the threshold into virtual audience Investigative Community, because a considerable amount of its activity took place offline, we can already see the topography of sociality being unsettled by the emergence of new sociotechnical infrastructures. However, Adkins (2008, pp. 21-22) was not so convinced of the subversive potential of this new type of advocacy and highlights how these contested claims of truth ultimately serve to obscure the sense of shared reality, which constitutes the field of social life: H

> . . . Henry Rollins holding benefit concerts and Margaret Cho paying regular visits to Echols on death row, in an attempt to raise public awareness about what they perceive as a miscarriage of justice. WM3.org posts regular updates on the cases, the benefits, and the current conditions of the three. Arm wristlets and sweatshirts are available for those who wish to show their support for the cause. Leaving aside the question of whether or not these actions are warranted or well-meaning, such involvement only adds further layers of unreality to this enclosed system.

Though Berlinger and Sinofski were unable, like Morris, to extract a confession from any of their alternate suspects, DNA evidence was eventually discovered that exculpated the WM3, leading to their release on Alford pleas in August of 2011. And while they were not exonerated as a direct result of evidence obtained by the filmmakers, the movement to free the WM3 helped apply the pressure that forced the state's hand into extensive DNA testing. The *Paradise Lost* trilogy, firstly, demonstrated the capacity of this type of media intervention to generate enduring patterns of social action and to stimulate movements for meaningful change, and secondly, validated the formula for cinematic advocacy bequeathed by Errol Morris and *The Thin Blue Line*, the success of which the filmmakers responsible for *Making a Murder* went to great lengths to replicate.

In recent years, this type of media intervention has achieved newfound popular visibility. In the span of just a few years we have seen the release of a string of commercially successful, and critically lauded programs, beginning with NPR's *Serial* and HBO's *The Jinx: The Life*

and Deaths of Robert Durst, in 2014 and 2015 respectively, and followed by investigative podcast *In the Dark* in 2016. The first season of *Serial*, a biweekly podcast, recounted the case of Adnan Syed, a Maryland teenager convicted of strangling and then burying his girlfriend in a Baltimore Park in January 1999. The podcast, hosted by journalist Sarah Koenig, generated intense debate about whether or not the state had met the burden of proof for a conviction. These debates, sparked by Koenig's reporting, brought widespread public attention to the case, begot several spinoff podcasts and an HBO documentary series. In addition, the first veritable virtual audience investigative communities emerged in its wake. The most prominent of which was the *Serial* subreddit, a forum in which the public had a chance to weigh the evidence, offer their own theories, and speculate about every grisly detail of Hae Min Lee's murder. Information generated by the podcast, and questions posed by spinoff podcasts, Internet sleuths and online investigators helped win Syed a rare evidentiary hearing, and eventually an overturned conviction; though it would be reinstated by a higher court (Li 2019). Adnan Syed's defense attorney, Justin Brown, described the work of *Serial*'s virtual audience investigative communities to a reporter from the Baltimore Sun as such: "I essentially had thousands of investigators working for me. That produced information that we otherwise would not have had" (Fenton 2016). *Serial* was groundbreaking not only for its ability to facilitate robust engagement with its narrative, but also for its unprecedented critical and commercial success, becoming the fastest ever Podcast to reach five million downloads on iTunes (Dredge 2014) and the first ever to win a Peabody (Gorelick 2015). The public's appetite for injustice had been roused.

After *Serial* came HBO's *The Jinx: The Life and Deaths of Robert Durst*. *The Jinx,* however, was an anomaly in this sphere of aesthetic intervention, since it aimed not to correct some injustice perpetrated by the state or its appendages, but to secure justice where it had eluded traditional institutions of state power. Another example along these lines is the documentary, *Mississippi Cold Case,* which helped lead to charges in the case of a 1964 double-homicide perpetrated by members of the Ku Klux Klan. Durst, who was acquitted of one murder, which he contended was committed in self-defense despite having systematically dismembered his victim, was also suspected in two other murders that occurred over the course of two decades. While the director, Andrew Jarecki, painted a somewhat sympathetic portrait of its subject, it becomes clear towards the end of the series that the filmmakers intended all along to construct a case for the guilt of Robert Durst. Jarecki (2015) even states in the last episode that his goal was to "get justice, such as we can get in this case." In the process of getting justice, Jarecki and company set a new standard in this realm of media intervention. After his final interview with the Jarecki, the camera is on Robert Durst in the bathroom when his forgotten microphone captures him mumbling unintelligibly before eventually whispering to himself that he had, in fact, "killed them all". This marked the first time that the public watched what amounted to a murder confession, in what felt like real time. The day after the finale aired, Robert Durst was arrested in connection with one of the murders explored in the docuseries, again illustrating this brand of media intervention's unparalleled capacity to intervene in real world affairs.

The second season of *In the Dark*, a Peabody award winning podcast and hosted by reporter Madeline Baran, personifies the spirit of this type of media intervention. The podcast, produced by American Public Media, examines the case of Curtis Flowers, a Louisiana man

who has been tried for murder six times by a district attorney with a history of racially tinged prosecutorial malpractice. As a result of Baran's intrepid reporting, no pillar of the state's case against Flowers is left standing after the conclusion of the podcast's 11 episodes. The witnesses she interviewed contradicted their previous testimony, her experts compellingly rebutted the state's, her team of reporters compiled extensive statistical evidence of racial bias on the part of the district attorney, Doug Evans (evidence that is being utilized by Curtis defense in a successful appeal before the Supreme Court), and she details how the state's special treatment of a violent witness led, tragically and unnecessarily, to the loss of innocent life. Baran, through her dismantling of the case against Curtis Flowers, demonstrates that this tradition of media intervention is alive and well.

The goal of this section is not to exhaustively survey each installment in this tradition of media intervention, and nor is it to posit a uniform formula by which it proceeds and advances its arguments. There are countless others over and above those discussed in this essay, and in each one a collection of filmmakers, journalists, producers, editors and so on, injects their own creative faculties into this artistic pursuit of justice; some of them construct cases for innocence, while others build cases for guilt where accountability was otherwise elusive. Instead, my aim is to provide an account of this fascinating point of contact between the symbolic world and the social world where mediated activism spills into the real world and rearranges our sense of the past and its truth. These tactical interventions, which draw on the social and psychological potency of media, can be thought of as analogous to the cases constructed by prosecutors and defense attorneys in the courtroom. Much like police and prosecutors gather evidence and weave together a mix of circumstance and forensic testimony in an effort to implicate a particular defendant, these filmmakers and reporters are doing the same thing, but with substantially more creative license, disengaged from the professional standards which govern the behavior of law enforcement. Guilt and innocence are supposed to be decided in the courtroom, but this species of media intervention illustrates that the line between the sacred space inside the courtroom and the messy reality of the outside is more difficult to discern than ever before.

Technological Affordances: Towards a Language of Possibilities

As technology assumed an increasingly significant role in our lives, one can see a correspondent increase in attempts to disambiguate exactly how technology was refashioning society and our intercourse with its structures and institutions. With this profusion of theories and opinions, the question of technology's role in shaping social life and driving social change became one of the most hotly contested lines of inquiry in and outside of the academy. Should our ensembles of devices and technical systems, or social life itself, be the locus of our inquiry as we attempt to untangle the unrelenting problem of causality?

Ultimately, I want to understand what forces gave rise to this novel type of community that, I believe, signals fascinating transformations in the terrain of criminal justice. But the challenge for any researcher studying the intersection of technical infrastructures and social life is determining the degree to which one can to attribute causal potency to mechanical objects and systems when we know full well that certain constellations of social activity would not be possible without them. Because just as we know that some new modes of sociality are a product of the Internet, the Internet is itself a product of social life. Untangling

this chain of causality is no small task. In this essay I adopt an affordance perspective to demonstrate how certain technological forces converged and *made possible* the emergence of of virtual audience investigative communities. I argue that new modes of production, distribution, and patterns of consumption facilitated by the rise of digital technology, together together with novel methods of organization and collaboration made possible by social media media platforms like Reddit, played a necessary, though not necessarily sufficient, role in catalyzing the emergence of these communities.

Affordances are variously defined as the paths of action (and inaction) made possible by a particular technology or technical system. Borne out of ecological psychology, the study of affordances began as an attempt to offer an alternative understanding of our relationship to the material world (Gibson 1979). But the conceptual frame took on a whole new life when it migrated from the domain of "animal environment systems to describing sociotechnical systems" (Fayard & Weeks 2014, p. 239), and has been deployed to investigate a wide array of phenomena in the realm of human communication, from the formation and evolution of social movements during the Arab Spring (Tufekci, 2017) to the effectiveness of AIDS campaigns in Ghana (McDonnell 2016). Theorists adopting an affordance perspective posit that our interactions with things are characterized by a kind of symbiotic relationship between our own capacities and the capacities of the thing—what it affords. That is, affordances are relational; they "exist in the interaction between an individual's subjective perception of utility and objective qualities of a technology" (Shrock 2015, p. 1231). This kind of analytical flexibility allows researchers to consider both individual's capacity to shape and manipulate technology towards our own ends, without neglecting the fundamental role of technology in shaping the conditions of social life; careful attention to both sides of this equation allows the investigator to skirt the label of "technological determinist" that is so often used to silence well-intentioned critique (Peters 2017).

However, alluding to affordances is not a panacea for the problem of causality. While some argue that the framework of affordances helps chart a third way, "between perspectives which posit that actions result from technology…or that social forces alone shape technology's development" (Shrock 2015, p. 1233), I believe that an affordance perspective is useful because it moves us away from the language of causality, and towards a language of possibilities. Instead of asking, how does technology generate new social behaviors, we might ask, how does it make them possible? How does it uncork reservoirs of latent sociality that might have otherwise remained untapped? So the question becomes, what forces made possible the emergence, development and visibility of this type of digital collective? First, I will examine a series of technological and political economic shifts, which, I argue, helped facilitate the popular success of *Making a Murderer*. And subsequently, I will discuss how the affordances of particular platforms, and the Internet more broadly, provided the organizational apparatus and instruments for that collective action.

Over the past several decades the television landscape has undergone some dramatic mutations. As a result of the development of the Internet and the proliferation of a wide variety of new information communication technologies, television consumption is no longer confined to the home, which is allowing its influence to permeate new physical and cultural spaces. Moran (2010, pp. 291-292) labels the result of this shift away from more traditional

forms of centralized distribution the New Television Landscape:

> the characterization of the contemporary moment as that of New Television is suggested because of a unique intersection of new technologies of transmission and reception, new forms of financing, and new forms of content that have come together in recent years. What is novel and original about New Television is the fact that, by the 1990s, the centralized broadcasting arrangements in country after country across the world, mostly in place with minor changes since the beginning of television broadcasting in that place, have been increasingly transformed and reconstituted.

One product of this New Television environment is Netflix. When Reed Hastings and Marc Randolph founded Netflix in 1997, it was originally conceptualized as an online marketplace through which consumers could rent DVD's from the comfort of their home. In 1999, Netflix began its subscription service and by the time they went public in 2002, they had approximately 600,000 subscribers. In 2007, Netflix introduced its streaming service for personal computers, extending it to almost all compatible mediated devices by 2010 (Allen, Disbrow, & Feils 2014).

But it was not until February of 2012 that Netflix premiered *Lilyhammer*, a show that had originally aired in Norway, their first piece of exclusive content. Andy Greene of *Rolling Stone* writes, "The experiment worked, paving the way for hugely acclaimed shows like *Orange Is the New Black, House of Cards* and the long-awaited fourth season of *Arrested Development*" (2013). In 2013, when the company published their long-term view, they asserted that, "In a few decades, linear TV will be seen as a great transitional technology that gave way to Internet TV, like fixed- line telephone gave way to the mobile phone… Over the coming decades and across the world, internet TV will replace Linear TV. Apps will replace channels, remote controls will disappear and screens will proliferate." By April 2016 it seemed as if Netflix's prophecy was, at least partially, coming true. Netflix had amassed a staggering 81 million subscribers internationally (Netflix Inc. Company Profile 2016), an expansive budget for original content, and a wealth of acquired material tailoring to all tastes and preferences. Netflix's meteoric rise, their lack of reliance on advertiser support, and their correspondent willingness to take risks on original content, put them in position to take creative risks.

The importance of shifts in technological and political economic landscapes, signaled by the rise of Netflix, Hulu, Amazon Prime, etc., were not lost on the creators of *Making a Murderer*. In an interview with *IndieWire*, Moira Demos was stated, "in 2006 and 2007, as we were wrapping primary production, there weren't really outlets that were doing this kind of thing. People would ask us, "Can you do this as two-hour one-off? Even maybe a four-part series?" But we would have to cut out parts of the story that were crucial" (Erbland 2015). In a separate interview, the co-creators jointly alluded to the importance of Netflix by saying, "When we started making the series in 2005, the distribution world was very different: Netflix was not yet doing originals, and there weren't many potential homes for a narrative documentary series" (Women and Hollywood, 2016). In response to a question about decade long production of the documentary series, Demos talked again about the

evolution of television distribution when she stated, "in a way, the fact that it took this long worked out great. The market changed a little bit, and Netflix started doing original docs, and we feel like we couldn't have found a better home for it." Without the unique convergence of these social, technical, and political economic forces—more robust access to the means of production and increasingly diverse modes of distribution, novel patterns of consumption, and an expansive budget coupled with lack of reliance of advertiser support—*Making a Murder*, as we know it, might have never existed.

Alongside this new terrain of cultural expression that helped make the docuseries commercially viable and culturally resonant, we also saw the emergence of a whole host of novel sites of sociality. The rise of social networking platforms, from Facebook and Myspace to Whatsapp and Reddit, afforded new modes of organization, coordination, and cooperation between members and between groups. These forums allow individuals with varying expertise and bodies of knowledge to gather in the same place. On a platform like Reddit there exists a wealth of unfiltered opinion, a marketplace of ideas where the sunlight of truth (theoretically) eclipses the shadow of injustice. They provide a readymade platform for the pooling of resources and for linking disparate information and bodies of knowledge. The level of anonymity they afford allows members to comfortably step outside their prescribed social roles without fear of judgement or retaliation (which might be important if you are from, for example, Manitowoc County, Wisconsin). These are capacities that were all made possible by the emergence of digital media. And it was these new affordances of digital media, and the novel sites of sociality they made possible, that facilitated the rise of virtual audience investigative communities.

Virtual audience investigative communities are a type of digital community that emerge in response to media texts, in which members collectively deploy their available resources and capabilities to solve crime or correct a perceived injustice. They are virtual because the vast majority of their activity occurs online, the term audience signals the communities inextricable link a particular media text, and investigative is meant to signify the types of activities and ultimate goal pursued by the collective. These are not indiscriminate sleuths; they have well formulated goals and are linked by a deep emotional investment in a media artifact, like *Serial* or *Making a Murderer.* Virtual audience investigative communities have much in common with many fan communities. They emerge because of a common interest in a particular media text, and often evolve into extensive networks of groups and individuals engaged in a variety of different activities. In addition, they share a common organizational mechanism in the Internet. However, there are also several pronounced differences. The primary difference between the two types of fan communities is, while most documented fan communities form around fictional texts, as well as their manufactured worlds and characters, virtual audience investigative communities are engaging with the real world in real time. Traditional fan communities, despite their capacity to stimulate bouts of interpretive ingenuity and creativity, do not have this same goal of real-world intervention.

After the release of *Serial*, virtual audience investigation became the focus of increased public attention and scrutiny. Stephanie Merry writes for the *Chicago Tribune*, "These shows, especially the (potentially) wrongful conviction narratives of 'Serial' and 'Making a Murderer,' have had a peculiar power over people, and not just as entertainment. Consumers

want to be part of the story. Just look at the many thousands who signed petitions to free Steven Avery, the imprisoned subject of 'Making a Murderer,' and 'Serial's' Adnan Syed. Then there are the active Reddit communities, positing theories, digging up dirt and tracking down court documents" (Merry 2016). Laura Marsh of the *New Republic* argues that "*Serial* created a mass audience for true crime documentaries that explore the ambiguities of one case in depth over a period of episodes. Its popularity has come at just the right time, coinciding with the rise of forums like Reddit, Websleuths, and dedicated crime Facebook groups" (Marsh 2015). *The Wrap* published an article about an individual named Justin Evans, who quit his day job to pursue a career in this type of citizen investigation (Verhoeven 2016). In an interview with *Rolling Stone*, Steven Avery's defense attorney Jerry Buting, a major player in the documentary series, stated, "we were only two minds, and what I'm discovering is that a million minds are better than two, because some of these people online have found things with a screenshot of a picture, that we missed" (Grow 2016). And in a personal correspondence with Dean Strang, Buting's co-counsel on the Avery case, he laid out what he saw as the benefits and potential shortcomings of this new brand of advocacy:

> In the end, I think the value of virtual investigative communities lies in the macroscopic, not in the microscopic. That is, greater public awareness of actual government functions can lead in this mediated way to a more well-functioning democracy; but in the individual case or situation, I don't think we want to start crowd-sourcing criminal justice or, say, sentencing someone by plebiscite. At that microscopic level, the chances for justice are best when the people most affected must interact in an unmediated, or immediate, way; when they must be actual to one another, not virtual or abstractions. Virtual justice is likely often to be virtual injustice, because we necessarily are separated from one another's humanity when online. (Dean Strang, email message to author, June 25, 2016)

Lastly, the authors of one study on the first virtual audience investigative community, the *Serial* subreddit, argued that "new media spaces like the *Serial* subreddit break down the traditional barriers between those personally affected by homicide and consumers of mediated representations of homicide" (Yardley, Wilson, & Kennedy 2015, p. 1).

The Internet has long facilitated collective engagement with media. However, this collision of resonant unresolved true crime narratives and the organizational capacities of the Internet has unleashed something different. Whether it was collections of Star Trek enthusiasts (Jenkins 1988) or the *Dr. Quinn, Medicine Woman* listserv (Bird 2003), in these communities the media product serves as the central unifying force, and the bulk of the activities that participants engage in are in response to developments occurring within the fictional realm constructed by the content creators. Whether crafting alternative narratives, speculating about future episodes, or engaging in the shipping of different characters, there is little opportunity for these communities to achieve real world significance. But the documentaries, podcasts and documentary series detailed in the previous section are engaging with actual events with rather practical consequences. Another difference is what unifies the group's members. While watching *Making a Muderer* or listening to *Serial* is the only thing requisite for participation in these communities, members are united by a quest for truth and justice. Rather than serving as the central factor which shapes discourse and determines its future

directions, in investigative communities the media product is simply the genesis for a wide range of activities far beyond the scope of the what was presented in the original text. Members of these communities are blurring the lines between fans and advocates, and refashioning the relationship between consumers of media and those who participate in its creation.

Jewkes writes, "one of the most profound changes in recent years is that many of us now consume much of our news online, and the democratic nature of the Internet communication, together with its global penetration and immediacy, have given rise to the citizen journalist (2015, p. 73). In this new era of popular true crime, the same affordances of the Internet that facilitated the rise of the citizen journalist would precipitate the rise of the citizen investigator. Prior to the emergence of the Internet, the idea that large collections of private citizens would have the organizational and collaborative capacities to engage in activities usually reserved for sophisticated law enforcement agencies, and even solve crimes, would have been science fiction. However, like *Serial* before it, *Making a Murderer* has inspired a large number of ordinary individuals to dedicate an extraordinary amount of time to prod deeper at some of the most troubling questions raised by the documentary series.

r/MakingaMurderer & r/TickTockManitowoc

Thus far I have only offered one example of a virtual audience Investigative Community, the *Serial* podcast subreddit. This subreddit was the forum for infinite protestations of innocence on behalf of *Serial*'s subject, Adnan Syed, and became a powerful organizing tool for supporters and dissenters alike. The virtual audience investigative communities that emerged in the wake of *Making a Murderer,* which utilized, at least initially, more or less the same formula as the *Serial* subreddit, would take on their mission with an even sharper focus. The *Serial* subreddit forever changed the relationship between producers and consumers of media, and *Making a Murderer's* virtual audience investigative communities further rearranged the nexus between content creators, characters and fans.

The *Making a Murderer* subreddit (r/MakingaMurderer) grew rapidly, accumulating over 65,000 members in just over a month. Taking its cue from the *Serial* subreddit, r/MakingaMurderer became a venue for discussion and a mechanism for mobilization, both for those intent on proving his innocence, as well as those committed to affirming his guilt. Reddit was again be the platform from which casual fans and hardcore true crime junkies would contest the major themes of the show, present their own theories and perspectives in an effort to contribute to the ever-expanding investigative literature. Members of the group have spent untold hours discussing evidence, weighing alternative suspects, and sharing information about other cases in an effort to foster dialogue and hope. One group of Redditors, utilizing the fundraising website fundanything.com, were able to crowdfund almost $4,000 in order to gain access to comprehensive case files and jury transcripts, sand subsequently made them available for examination and analysis. In addition, the movement was able to galvanize enough public support to surpass the 100,000-signature threshold on a White House petition, eliciting a response from the office of President Obama. Also, another petition on change.org calling for the pardon of Steven Avery and Brendan had amassed over 525,000 signatures.

In late May 2016, after nearly six months of sustained collective investigation and engagement, several new subreddits emerged as a result of conflicts related to the perceived mismanagement of r/MakingaMurderer. The primary objection many users had was that moderators were intentionally stifling discussion about the case and investigative efforts, instead directing users to keep their discussion focused on the documentary itself. In short, r/MakingaMurderer was not sufficiently investigative, and the tools of the platform facilitated the creation of a new community where these activities could be pursued. In 2019, three years after the communities fractured, r/MakingaMurder maintains an impressive 73,800 plus members, however the bulk of investigative activities found a new home on a subreddit called r/TickTockManitowoc, a reference to the what many see as an inevitable countdown to Steven Avery's exoneration. In August 2019, r/TickTockManitowoc boasted 21,100 readers, and over the last several years it has solidified itself as the foremost exemplar of virtual audience investigative communities on the web. While there is no way to know if these communities would have materialized outside of this specific sociotechnical context, the mechanisms for communication and collaboration, and the modes of organization and reorganization made possible by digital technology were integral in shaping their development and trajectories.

What are the specific affordances of the Internet and digital media that these communities depend on? First, platforms like Reddit provide a readymade organizational formula. Additionally, they also provide the instruments for communication and collaboration that turn disparate sets of social actors into a virtual community. The tools on a platform like Reddit allow users to exchange information seamlessly and maintain anonymity, the low barrier for entry allows the inclusion of a variety of perspectives, and the uniform experience of the interface fosters a kind of designed cohesion. But at its, heart these communities are nothing more than a collection of individuals united by an interest in a media text and a common set of tools. There is nothing new about this kind of behavior. What make these communities novel is the ends to which they are deploying these tools. Thus, these digital collectives are, in essence, fan communities that are transformed into something different by the nature of their coveted text. The formula for speculation is not all that different than you might find in, say, a Game of Thrones fan community, but the implications of that speculation are more tangible. Which is to say, traditional fan communities and virtual audience investigative communities share the same tools, but not the same goals. The case of *Making a Murderer* demonstrates how new conditions of production,new modes of distribution, and the communicative affordances— novel modes of organization, participation and collaboration— of the Internet gave rise to the rise of this set of emerging practices that would help refashion the isolated and trivialized armchair investigator into collections of citizen excavators of truth. I believe that new modes of watching and consuming media were especially conducive to catalyzing the kind of shared experience on which collective action depends. But most important, I believe that this new species of collective action, and its novel forms of knowledge creation, are fundamentally challenging to a whole host of institutions that have remained relatively unsettled for quite some time.

Conclusion

This essay examines two technologically mediated, aesthetically, socially, and politically resonant spheres of media intervention, which have, in tandem, irrevocably altered the terrain

terrain of criminal justice. I described how documentary filmmakers, reporters, and internet sleuths have used media to shed light injustice, and how the political economics and affordances of new media have uncorked novel modes of organization, communication, and collaboration. But at the end of this, are we any closer to knowing what forces generated the emergence of this new type of community? Were they primarily technical, mostly social, or something else altogether? An affordance perspective does get us away from the troublesome troublesome language of causality, and helps disambiguate the conditions which made certain certain arrangements of social life possible, but it does not provide a magical solution for its enduring enigmas. I do not believe that, in order for an analysis to be useful, one has to painstakingly isolate and describe disparate affordances, because the transformations described in this essay are the result of not one affordance, but of dynamic constellations of mutually dependent affordances, which are actualized in their interchange with social beings. beings. These transformations in the topography of justice are part social, part technical, part political economic, and all of these causal interlocutors are allies and enemies in battle over the constitution of social reality.

While technology creates nothing by itself, it does circumscribe new conditions of possibility in which humans can create something new. The camera did not shoot *The Thin Blue Line* for Errol Morris, and the Internet did not generate organically communities with the investigative zeal of a TV detective; but this technology—the camera and its attendant way of seeing—and this technical system—the Internet and its corresponding interactivity—did provide the necessary tools to channel the social and creative impulses of real human beings. Thus, neither human activity nor technology are isolable as the singular cause of virtual audience investigative communities. Rather, narrative and technology, material, historical and social forces did important work to create this new field of meaning and novel mode of subjectivity.

Perhaps I should have spent less time on each documentary and podcast, or more time analyzing in depth how the deployment of particular affordances led to specific tangible outcomes. But it is my position that one cannot understand *Making a Murderer* outside of *The Thin Blue Line*, and that attempts to pinpoint specific causal mechanisms and their elusive social effects are often in vain. My goal, instead, is to proffer an account of an emerging site of sociality and see if we might tease out how this symbiosis of media, technology, and social life technology *played a role* in creating something new: a new terrain for justice where documentary filmmakers, journalists and citizen investigators can play a role alongside the police, prosecutors and judges who for so long maintained their monopoly on its administration. But there is some evidence that we ought to be wary of crowdsourcing criminal justice. On one hand sleuths on Reddit have aided in the discovery of the identity of a deceased man who had remained unidentified for over 20 years (Dewey 2015). But Reddit was also the platform that facilitated the indiscriminate speculation that resulted in a Brown University student, Sunil Tripathi, being wrongfully identified as a suspect in the 2013 Boston Marathon bombings (Walsh 2013). Tripathi, who had gone missing about a month before the bombing, was identified by redditors as a potential suspect, a misidentification compounded when Buzzfeed reporter Andrew Kaczynski tweeted confirmation that Tripathi was in fact one of the suspects to his tens of thousands of followers. Reddit eventually apologized for its role in stoking “online witch hunts”, but this episode demonstrates the tangible harm that can come from misguided armchair investigation, as well as the shortcomings a coming society where the general public has the capacity to intervene in the administration of justice in novel ways.

However, I am not positing that any of this is evidence of a wholesale reorganization of the justice system. Rather, we are witnessing a first step towards something different. Let us return to Tufecki's (2018, p. 131) assertion that "Technology rarely generates absolutely novel human behavior; rather, it changes the terrain on which such behavior takes place. Think of it as the same players, but on a new game board." While I agree that technology might not regularly or reliably produce new types of human behavior, it does create the social and imaginative spaces and capacities, which allow those behaviors to take shape. If you rearrange the board enough, eventually you'll be playing an entirely new game.

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