

Case 13: The Ethics of Podcasting

The true crime podcast *Serial* is wildly popular, so much so that it has spawned many imitators since it came out a few years ago. In *Serial*, journalist Sarah Koenig investigates the 1999 killing of Hae Min Lee, for which her ex-boyfriend Adnan Syed was convicted and sentenced to life in prison.¹²⁴ Koenig presents the story with a catchy theme song, in weekly installments, with cliffhangers at the end of each episode. For the listeners, *Serial* is a riveting true crime story. But for Hae's family as well as Adnan and his family, this is—inescapably—real life. Indeed, one man claiming to be Hae's brother posted on Reddit requesting that fans stop asking him questions:

TO ME ITS [sic] REAL LIFE. To you listeners, its another murder mystery, crime drama, another episode of CSI... You don't know what we went through. Especially to those who are demanding our family response and having a meetup... you guys are disgusting. Shame on you. I pray that you don't have to go through what we went through and have your story blasted to 5mil listeners.¹²⁵

Some believe that it is unethical for journalists to present these stories as entertainment; others suggest that it is just the unfortunate reality that crime victims become unwitting public figures.¹²⁶

The recent podcast *S-Town*, by the same team that produced *Serial*, has become another instant success.¹²⁷ It begins as another true crime podcast, with journalist Brian Reed traveling to a small Alabama town to investigate an alleged murder. But it quickly becomes clear that no such murder occurred. Reed abandons the premise, and the podcast becomes a character study of the man who contacted Reed to tell him about the crime, John B. McLemore. After learning that McLemore committed suicide, Reed investigates some of the most intimate and personal aspects of McLemore's life—e.g., his sexuality, his mental health, and his romantic and familial relationships—and shares them with his listeners. This makes for an extremely compelling and unquestionably

¹²⁴ *Serial Podcast Season 1*, podcast audio, July 26, 2017, <https://serialpodcast.org/season-one>.

¹²⁵ Jessica Goldstein, "The Complicated Ethics of 'Serial,' The Most Popular Podcast of All Time," *ThinkProgress*, November 20, 2014, <https://thinkprogress.org/the-complicated-ethics-of-serial-the-most-popular-podcast-of-all-time-6f84043de9a9>.

¹²⁶ *Ibid.*

¹²⁷ *S-Town Podcast*, podcast audio, July 26, 2017, <https://stownpodcast.org/>.

entertaining story, but many see it as inappropriately invasive, especially considering that McLemore never consented to his story being shared so broadly. One journalist described the story as "morally indefensible."¹²⁸

But *S-Town* has also been described as "brilliant, meaningful, ambitious podcasting with the potential to elevate the medium."¹²⁹ Because Reed approaches his subjects with respect and compassion, the intensely personal story humanizes McLemore instead of simply gawking at his private life.¹³⁰ Indeed, as Reed himself has explained, his team's approach "is always to treat the people in our stories as three-dimensional people. We don't do sound bites, we don't do stereotypes."¹³¹ Reed has also clarified that the decisions to include delicate information in the podcast were not taken lightly:

We think about every piece of sensitive information carefully . . . There are lots and lots that I learned in the reporting that I didn't put in the story because we felt that what it added to the story wasn't worth either the sensitive nature of it, or maybe it touched someone who was still alive, and we didn't include it for that reason.

But also I don't believe that when a reporter is doing a story about someone who has died, that they can only include elements that the person consented to when they were alive. I don't believe that's an ethical problem.¹³²

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¹²⁸ Gay Alcorn, "S-Town Never Justifies Its Voyeurism, and that Makes it Morally Indefensible," *The Guardian*, April 21, 2017, <https://www.theguardian.com/commentisfree/2017/apr/22/s-town-never-justifies-its-voyeurism-and-that-makes-it-morally-indefensible>.

¹²⁹ Aja Romano, "S-Town is a Stunning Podcast. It Probably Shouldn't Have Been Made," *Vox*, April 1, 2017, <https://www.vox.com/culture/2017/3/30/15084224/s-town-review-controversial-podcast-privacy>.

¹³⁰ Corey Atad, "How 'S-Town' Explores the Murky Ethics of Privacy," *Vice*, April 5, 2017, https://www.vice.com/en_us/article/how-s-town-explores-the-murky-ethics-of-privacy.

¹³¹ Katie KilKenny, "Brian Reed on the Tough Reporting Decisions Behind 'S-Town,'" *Pacific Standard*, April 13, 2017, <https://psmag.com/social-justice/brian-reed-on-the-tough-reporting-decisions-behind-s-town>.

¹³² *Ibid.*