When to Stop Digging? Ethical Dilemmas Researching Crime Histories

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Heritage websites combined with archival sources offer opportunities to contact individuals, or their descendants, involved in historic criminal events. Such research can provide rich data, restoring voices formerly lost to conventional 'true crime' narratives. The research does however throw up a number of ethical issues.

For many years I have been undertaking archival historical research on some of the criminal cases that first stirred my initial interest in crime, history and criminology. In connection with this research, I developed and taught modules on 'true crime' and 'famous cases' from the 2000s but, over the past ten years or so the range of media products in the field has altered significantly - expanding, diversifying and attracting enormous audiences. A recent bustle of academic activity and a useful new book by Cummins, King and Wattis, has enhanced our understanding of the criminological significance of the production and consumption of 'true crime' with a critical view of how much, but not all, of the genre tends to be produced with questionable ethical intent[1]. Conventional 'true crime' can be seen as a direct descendant of 'hanging ballads' and the Newgate Calendar, focussing on the conventionally salacious and driven by the profit motive to highlight the spectacular, extreme and bizarre while neglecting the social, political and historical context of criminal events required for authentic accounts. The ethical concerns that academics have expressed regarding the conventional form of the genre is that it exploits victims of crime and risks becoming merely a semi-respectable form of voyeurism and, that by heightening dramatic aspects of crime events for commercial purposes, presents a highly distorted perspective on criminal justice[2].

Among the explosion in what might be more broadly termed the 'true crime' genre are, however, works that more closely align with academic sensibilities and understanding. Considerable critical acclaim has been awarded to the, perhaps awkwardly termed, 'popular scholarly crime non-fiction' genre, commonly associated with authors such as Summerscale, Colquhoun and Rubenhold[3], who combine academic research with literary talent. These writers have produced works of crime history that eschew the salacious in favour of the pursuit of understanding crime, victims, perpetrators and agents of social control in wider social and historical context and with careful, evidenced, critical consideration of issues of individual motivation. These works reflect the general concerns of academic criminologists and crime

[1] Cummins, I., King, M and Wattis, L. (2025) *True Crime: Key themes and perspectives*. Bristol: Bristol University Press.
[2] Ibid. pp.2-3.
[3] Summerscale, K. (2009) *The Suspicions of Mr Whicher*. London: Bloomsbury. Colquhoun, K. (2011) *Mr Briggs' Hat.* London: Sphere. Rubenhold, H. (2020) *The Five*. London: Doubleday.

historians but are written for wider audiences, as opposed to the conventional pursuit of (re-)marketable 'cultural legends'. Hallie Rubenhold's recent observations on her own work in the field of 'popular scholarly historical crime non-fiction', as distinct from conventional 'true crime', are useful here:

> One of the problems of historic true crime is…how these stories are told to us and how uncritically we are willing to receive them. With time [they] evolve from news stories into cultural legends…The process of rarefying a crime into legend removes all nuance. That which is left is easily digestible – established fears and prejudices, and neat binaries: good and evil; heroes and villains. Legends speak to us in shorthand, but real murder stories are infinitely complex, their implications wide ranging. They are bigger than a narrative about a killer or a detective; there is more to understand about a crime than a motive or a method, and the capture of a suspect by no means signals the conclusion of a case. No matter how guilty a suspect might appear, judges and juries decide the ultimate outcome; and even then, a crime which is about people – a criminal, a victim, their family, their friends, their community, our society never entirely ends… It feels uncomfortable to acknowledge nuance in something so atrocious as a murder, but human beings are morally ambiguous creatures and therefore nothing is ever as straightforward as we would like it to be[4].

In aspiring to produce work in this genre I have recently been working with conventional 'true crime' as well as more critical 'crime non-fiction' writers and content providers. The approach to research ethics of many of my associates sometimes troubles me as an academic researcher and member of bodies such as the BSC with defined codes of ethics. The main concerns that I wish to raise here are derived from the use of the relatively recently available research opportunities offered by the substantial opening of official UK archives from the 2000s and the possibilities of locating and communicating with individuals or, more often descendants, of people involved in criminal cases via publicly accessible heritage databases such as Ancestry and Find My Past.

It is possible using contemporary accounts, previous literature and publicly accessible criminal justice case files, to identify a range of individuals who were participants, victims or witnesses and their families and then to use heritage databases to contact any descendants or relatives who may have posted a family tree and be seeking more information about their family history. Usually, the heritage site will provide a private communication contact facility so that people with information or a shared interest can establish contact. There are considerable benefits to be gained from information gleaned from such sources: Accounts and information withheld at the time may be more likely to be revealed at a distance; the long term impact on victims, friends and family might be explored; detail and voices omitted from official and public records might be retrieved and the *nuances* sought by Rubenhold may be become better understood for the development of a richer and more authentic account than those previously created.

Despite the valuable potential of researching and accessing the experiences and memories of the elderly or subsequent generations, these activities are problematic. I have on occasion

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[4] Rubenhold, H. (2025) *Story of a Murder*: *The Wives, The Mistresses and Doctor Crippen*. London: Doubleday 409-10.

raised concerns about research ethics at ‘true crime’ conventions, trade shows and amongst colleagues. For the most part my concerns have been met by a standard response that ‘*anything in the public domain is fair game*’. There seem to be very little sense of a duty of care for individuals or their descendants whose private or sensitive details may have been buried in archives for a couple of generations or more. Where any reservations were expressed, it was felt that it should come from the writer’s agent or publisher. I have raised the issue that academic researchers are usually bound by ethical protocols such as the British Society of Criminology Statement of Ethics as well as by the ethics committees of their own universities. Somewhat disappointing given the BSCs drive to enhance public engagement, was the response of a highly successful veteran true crime writer, who often describes himself as a criminologist, and expressed surprise that criminology ‘was something that could be studied at university’. The writer and others to whom I posed the problem in presentations, were universally untroubled about using any detail or identifying or approaching any individual from materials that were publicly accessible. As a number indicated, ‘*when you approach them they can always say ‘no’’.* A number of issues that render this response problematic in terms of research ethics is illustrated by an example from my own research.

Using newspaper accounts and publicly available crime files, I identified a descendant of a homicide suspect, in a case going back a couple of generations where they had entered their family details on a heritage database. I wrote to the descendant using the website link, expressing my academic interest in their ancestor. I was confident that there was a significant omission from the official record and the press coverage. I also assured the descendant from the beginning that I would not use any information for publication gleaned from contact with them without their express approval. The reply and subsequent engagement that I had, caused me to reflect seriously on my research practice.

The response to my inquiry was not from the descendant site member but from an older relative who was not happy about the approach. The site member was a fairly young person who was perplexed by my enquiry as they had no knowledge of the events that I was inquiring about. The older relative said that family members had intended to appraise the site member of this aspect of their family history but had not done so until my inquiry arrived and they were forced to. It was made clear that the family regarded the issue as a very private matter. The relative related how it was only the arrival of the internet that had made them aware of *their* family connection to the crimes. Further, it was related that discovering that coverage of the case had been made so easy on the internet, when they had regarded it as safely publicly ‘forgotten,’ had caused considerable distress to older relatives who had been caught up in the events. The strength of distress recounted by the relative was indicative of the sensitivity that needs to be exercised in pursuing historic crimes even at the fringes or beyond living memory. Nevertheless, the relative was very kind in granting me a couple of telephone interviews which confirmed my suspicions about omissions from the official and media record and added extraordinarily powerful detail about the lasting impact of high profile crime on a family. It was telling that the respondent expressed appreciation for my assurances and relief that, ‘I was not a journalist’.

In this example I was able to offer and supply the family with my research findings concerning their ancestor and I am committed to only publishing details that they have supplied with their permission. Among the ethical problems in this example was that the heritage site member was not aware of the family connection to the historic case and the revelation risked unsettling

the individual and the family. It might alternatively be argued that the attraction, but also risk, of joining the heritage site and inviting contact over family history is to discover precisely such detail from others researching and interested in your ancestors.

A contrary situation occurred regarding another case going back beyond living memory, although involving people who might once have been known to people still living. I contacted a descendant in Australia through the heritage site in the same manner as above. In this case the descendant was of the wife of the offender in a serious crime. The site member had, again, not been aware of the events and was delighted to have been contacted and appraised of the family connection. We have communicated extensively over the research for a couple of years and recently met to exchange materials.

In both of these examples I was able to acquire significant detail of the wider impact of the circumstances on women, families and communities – essential elements of the *nuance* identified and sought by Rubenhold and recognisable to academic historians and criminologists as voices commonly absent in both official records and conventional true crime accounts.

I am sharing these experiences as I am finding these research practices extremely valuable in restoring the voices of those marginalised or distorted in official, journalistic and conventional true crime 'legends'. However, I wish to avoid accepting the stance that '*if the research is legal and already in the public domain, I have no responsibility for the impact on subjects by approaching them*'. I am keen to receive observations on the propriety of the research practices described as well as views on any general principles concerning the use of heritage websites to approach descendants concerning criminal events.