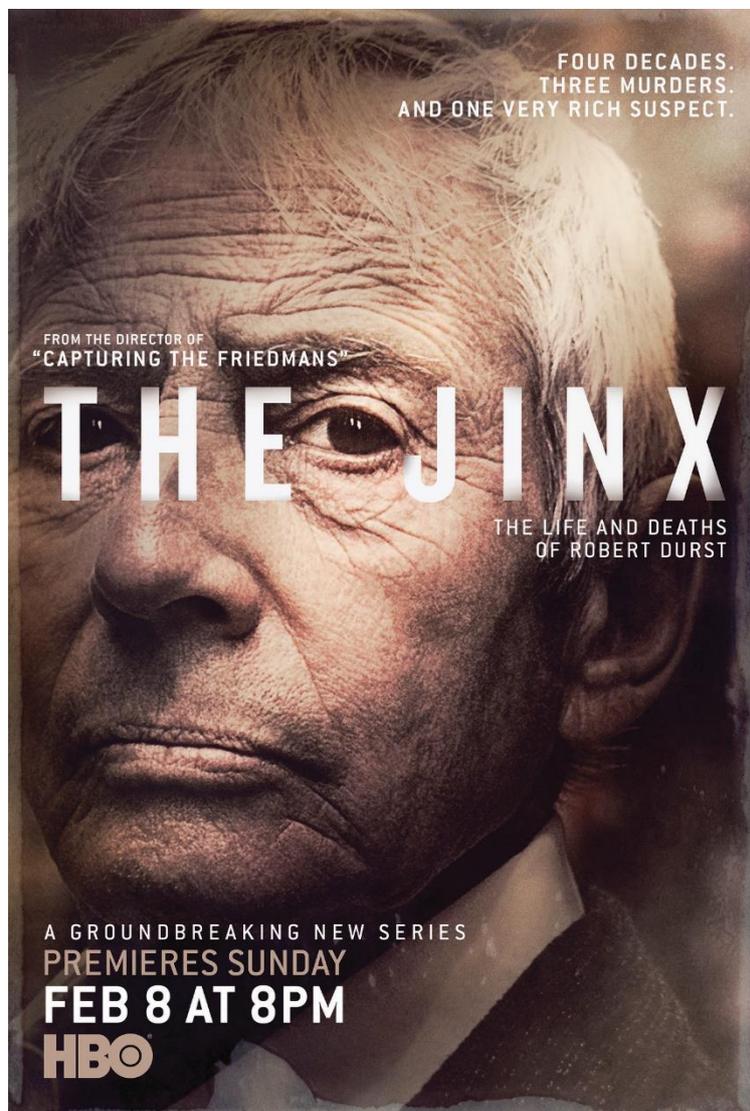


THE JINX: THE LIFE AND DEATHS OF ROBERT DURST

(Episode 1 Chapter 1, 2015)



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Section A: Television (AS) Television in the Global Age (A Level)

Focus Areas:

Media Language
Representation
Media Industries
Audiences
Media contexts

PRODUCT CONTEXT

- This product is one of the documentary options studied for Section A: Television, at AS and alongside the documentary *No Burqas Behind Bars*, at A Level. The set product is the first chapter of the series: *A Body in the Bay* (2015).
- *The Jinx* is a true crime documentary series broadcast on the HBO network. The production companies were HBO Documentaries, Blumhouse Productions and Hit the Ground Running Films. It was distributed by HBO and Sky.
- The series was first broadcast on HBO on February 8th 2015 and was made up of 6 'chapters'.
- *The Jinx* was written by Andrew Jarecki, Marc Smerling and Zachary Stuart-Pontie and directed by Andrew Jarecki, who also directed *Capturing the Friedmans* which focused on the true crime investigation of Arnold and Jesse Friedman, and *All Good Things* (2010), a mystery/crime film inspired by the life of Robert Durst. After the film's release Durst agreed to work with Jarecki and this resulted in the production of *The Jinx: The Life and Deaths of Robert Durst*.

PART 1: STARTING POINTS – Media Language

The codes and conventions of media forms and products, including the processes through which media language develops as a genre.

- In its simplest terms a genre is a type of media product, but it is more complex than that; genre provides a way for producers to communicate messages to audiences. Audiences need to be able to recognise genres and the codes and conventions which are established over time and they have expectations that need to be fulfilled.
- Genre has an influence on the production and distribution of television programmes and affects the way in which they are marketed and scheduled. Establishing the genre is key to the effective marketing of the product.
- The documentary genre has a well-established cultural history and has a recognisable repertoire of elements. These conventions have evolved over time and developed to reflect social and cultural change, and the needs and expectations of audiences. Technological advances in filming equipment have also allowed documentaries to be more ambitious in their production strategies.
- Documentary is a non-fiction genre depicting real life events, but programmes in this genre, although purporting to present the truth, are not 'windows on the world' as the events are constructed and mediated. The documentary filmmaker Grierson referred to this as the 'creative treatment of actuality'. (<https://documentarydiscussions.blog/attempting-to-define-documentary-film/>)
- As in fictional genres, the documentary maker uses a process of selection to re-present the world and has an influence upon the way in which the events are portrayed.
- However, all programmes within this genre share similarities which place them in the documentary genre including:
- A **narrative** with a central focus which may change depending on the form. For example, the documentary may have an investigative focus, or

detail a 'day in the life' of a person or institution. As documentaries are non-fiction texts, they can be said to have a structure, rather than a narrative or story. However, with a true crime product like *The Jinx*, where facts are presented in a dramatic way, a narrative is constructed to hold the attention of the audience.

- Documentaries may use a range of different structures. The programme may conform to Todorov's theory where the structure is linear from the initial disruption through to a resolution, or non-linear where time and space is manipulated through for example, flashbacks or flashforwards. In *The Jinx*, there are flashbacks depicted through old cine footage and past newspapers detailing Durst's wife's earlier disappearance. The time frames in *The Jinx* can be split into four broad periods, the narrative moving between them: Durst's childhood, his marriage to Kathy and her subsequent disappearance in 1982, the discovery of the body in the bay in 2001 and Durst's trial, and 'Ten Years Later' to the present day.
- Documentaries often use a voice-over which acts as a narrator guiding the audience through the programme. This 'Voice of God' can offer opinions and as such may influence the audience's view about what is being discussed. Other narrative devices include text on the screen and as in *The Jinx*, the voice of interviewees as a soundtrack to film footage or still images, which may reinforce or contradict what is being said.
- Interviews are a common convention of documentaries and may contribute to establishing an unrestricted narrative whereby it appears that the audience is hearing information at the same time as the interviewer. In this way, interviews, as in the ones included in *The Jinx*, serve to advance the narrative. The audience must decide whether they trust the account of the interviewee and their place version of the narrative.
- *The Jinx* has an episodic structure, the story is serialised, building up audience interest. This structure is a convention of television drama, with narrative cliff hangers at the end of each episode and the introduction and closure of different narrative strands. Each episode of *The Jinx* is referred to as a chapter, for example *The Body in the Bay*, using the convention of narrative fiction.
- *The Jinx* combines narrative forms, it 'works as a mode of presentation in its fusion of

documentary material (its 'actual' subject matter), and the structures and strategies of classical Hollywood narrative form, including character development, conflict and closure' (Steven Lipkin).

[https://www.flowjournal.org/2015/11/re-evaluating-spoilers-in-the-](https://www.flowjournal.org/2015/11/re-evaluating-spoilers-in-the-jinx/#identifier_8_28593)

- [jinx/#identifier_8_28593](https://www.flowjournal.org/2015/11/re-evaluating-spoilers-in-the-jinx/#identifier_8_28593). In particular, the credit sequence of *The Jinx* uses the codes and conventions of a fictional crime drama and is very stylised and cinematic, suggesting a blurring of the line between fact and fiction.
- Narrative disruptions occur that change the course of the story, these can be events that happen or revelations that are made by people in the documentary. Enigmas and teasers are introduced through the interviews in *The Jinx*, for example the detective's comment, 'nothing to suggest a woman lived there', 'red flags started coming up' and the assertion about Durst towards the end of the episode, 'If you threaten his freedom – he'll kill ya'. These narratives embedded in the programme increase suspense.
 - Reconstructions, a convention of the documentary genre, are used to show the audience what allegedly happened. In *The Jinx* these are accompanied with a voice over from the investigating detective and are constructed in a cinematic style to differentiate them from the reality.
 - Binary oppositions function as a narrative element in documentaries, in *The Jinx* these contribute to the tensions within the programme, for example truth/lies, past/present, the documentary maker/the subject, reality/mediated truth and the criminal/the law enforcer. The resolving of some of these binary oppositions within the story world may have an ideological significance, for example the discourse around punishment and retribution. **(Structuralism: Levi-Strauss).**
 - Story arcs and narrative strands occur in and across episodes of a series. In the set product, as the first episode of a new series, there are several complex, enigmatic narrative strands, which will be interwoven across the episodes, including:
 - Durst's story: his childhood, his marriages, and the relationship with his family in the past and the present, including the fear his brother has about Durst

- The investigation of the murders by the detectives
 - The lawyers and their pursuit of justice
 - Andrew Jarecki and his journey in the making of the documentary.
- **Setting and iconography.** This will become synonymous with the topic or theme of the programme and will relate to the people who are the focus and to the sub-genre. For example, *The Jinx*, as in other examples of the true crime sub-genre, creates verisimilitude by filming real locations where the crimes were committed or where the perpetrator lived. This includes returning to crime scenes to establish realism, for example in the pre-credit sequence where Gary Jones takes Jarecki back to the bay where he discovered the body so establishing authenticity. The settings and iconography where the interviews take place is also relevant and connotes their significance and status within the narrative. For example, Joel Bennet is sitting in a leather chair in an office with a computer and bureau, signifying his role as the Assistant District Attorney. Durst's lawyer is positioned in front of law books in a cabinet, whereas Durst's wife Debrah Lee is filmed in a muted colour palette with an unsteady camera and a plain backdrop, presenting her as possibly a more questionable narrator.

The dynamic and historically relative nature of genre

- Although genres have never been stagnant, it is increasingly the case that they are more dynamic and seek to challenge audience expectations. The genre now is a starting point to target the audience and then surprise them through hybridity and intertextuality.
- Bill Nichols, an American theorist who is an expert on documentary filmmaking, identified six different modes of the documentary genre, each mode addresses the changing social context of the form. In this way it highlights the dynamic and historically relevant nature of the genre. The modes most relevant to *The Jinx* as an example of the 'True Crime' sub-genre are:
 - **The reflexive mode:** this draws attention to the constructed nature of the form. It suggests there is a relationship between the film maker and the audience, and that the audience is aware of the person behind the camera. At times this challenges the audience expectations, for example there are times when the interviewing of eyewitnesses offers uncomfortable revelations. Towards the end of the episode,

it is made obvious that an interview is being set up and the cameras and other equipment are in full view.

- **The participatory mode:** here the film maker is clearly involved with the subject matter of the documentary and functions as an investigative reporter. The subject of the documentary participates with the film maker through, for example, interviews which are a common convention of the participatory mode. This is evident in the relationship between Jarecki and Durst which establishes a first-person style of storytelling.
- **The performative mode:** this establishes the emotional complexity of the film maker which causes them to challenge the objective truth, so encouraging an emotional response from the audience. The film maker is personal rather than objective. For example, Jarecki wants to believe that Durst is innocent.

The processes through which meanings are established through intertextuality:

- The true crime sub-genre has historical relevance, early examples include Edgar Allen Poe's short story *The Mystery of Marie Roget* (1842). This established early the repertoire of elements of this sub-genre: amateur detectives, female victims and vivid descriptions.
- There were other successful examples of the sub-genre, *Serial* (1999) was a podcast that focused on the killing of Baltimore teenager Hae Min Lee and the subsequent conviction of her boyfriend. Also, a legal analysis podcast *Undisclosed* was created and focused on this case and in April 2014 it was iTunes' most downloaded podcast.
- The 'Modern True Crime' genre is a good example of the dynamic nature of genre and how it adapts to appeal to changing audiences. (Neale). *The Jinx* has generic signifiers of both the documentary and the crime drama genres.
- *The Jinx* is a hybrid genre: reality TV and crime drama with a real killer. The re-enactments overlap with television drama conventions. The documentary employs the conventions of a drama product, this results in an emotional response from the audience.
- In *The Jinx* the audience are shown examples of other real texts, for example newspaper pages featuring the crime and home movies. This helps to convey authenticity.
- There is also an extratextual element to *The Jinx*. *All Good Things* was produced initially by Jarecki, a fictional film based on the disappearance of

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Robert Durst's wife. *The Jinx* followed after Durst contacted Jarecki. The extratextual elements made the genre become truly investigative, for example the discovery of the letter during filming and the hot-mic confession by Durst in the last episode of the series.

- The story as seen through the programme was covered by media outlets and in particular by social media platforms. The story trended and gained popularity.

Theoretical Approach: Narratology - Todorov

- All narratives share a basic structure involving movement from one state of equilibrium to another, separated by a disequilibrium. However, it can be more difficult to apply Todorov's theory to examples from the documentary genre, as non-fiction products tend to have more fragmented narratives. *The Jinx* therefore can only partly be said to conform to Todorov's theory of narratology.
- *The Jinx* is a flexi-narrative which relies on the manipulation of time and space and which operates through a series of narrative strands with Durst's story juxtaposed with that of the documentary maker.
- This 'chapter' establishes the story and the significant players and contributors. The **equilibrium** may be before the discovery of the body in the bay, or even before Jarecki decided to make the documentary and Durst may have thought himself safe from prosecution.
- The **disruption** to this equilibrium could be said to be the original murders, the discovery of the body in the bay, or even something which happened in Durst's past.
- The **recognition** that the equilibrium has been disrupted is the discovery of the body in the bay which starts this episode and reopens Durst's story.
- As this is an example of an episodic drama there would not be a **resolution** at the end of the first episode, instead there is a **cliffhanger** with a slow zoom into Durst sitting in a chair with the voice over, 'If you back him into a corner, if you threaten his freedom – he'll kill ya'.

How genre conventions are socially and historically relative, dynamic and can be used in a hybrid way (A Level only):

- Some documentary programmes, for example *The Jinx*, challenge and subvert genre conventions, in this case through the narrative structure, issues raised, the representations of the key contributors and reference to other genres. *The Jinx* combines the codes and conventions of documentary with

those of a fictional drama. Whilst there are the typical conventions of interviews, voice-over exposition, archive footage and reconstructions, this is all set within a highly stylised, cinematic production style.

- *The Jinx* and the examples of true crime sub-genres reflect contemporary ideologies and concerns including moral questions about making a documentary in this way, the notion of justice and the idea behind this sub-genre of trial by television. This is particularly true with reference to *The Jinx* whereby the documentary itself uncovered the actual truth about what happened.

Theoretical Approach: Genre – Steve Neale

- Neale asserts that genres may be dominated by repetition, but they are also marked by difference, variation, and change. The documentary genre has a recognisable repertoire of elements, but to appeal to audiences new programmes need to display something different to set them apart from other examples. Difference is essential to sustain a genre, to simply repeat the codes and conventions of the form would not appeal to an audience. One of the most successful recent documentary sub-genres has been the true crime documentary. Here the difference is evident through the way in which the programmes borrow conventions from other genres, for example the use of fictional drama conventions and cinematic techniques.
- Genres exist within specific economic, institutional and industrial contexts. The recent popularity and proliferation of documentaries in the true crime sub-genre illustrates how programme producers respond to the demand from audiences for particular sub-genres and so secure economic success.

How the combination of elements of media language influence meaning

Visual codes:

- **Codes of clothing:** The connotations of characters' clothing and appearance create meanings. Clothing is a rapid way of communicating messages in *The Jinx*, particularly in defining the different roles of the contributors, for example the formal clothing of those in positions of power. Clothing also shows the changing time frames and circumstances, Durst in the orange prison overalls is a visual signifier of his incarceration.
- **Gesture and expression:** non-verbal communicators are quick ways of constructing meaning. As a lot of the documentary is taken up with interviews in close-up shots, the gesture and

expressions of the subjects communicate meanings. Debrah Lee in her interviews glances at the camera and plays with her hair showing her nervousness and the tic in Durst's eye in the final scenes of this episode as he prepares to be interviewed suggests he is unsettled.

- **Iconography and Setting:** the props, backgrounds and settings work to construct meaning and establish the genre. The binary oppositions of the crime scene settings, the interview locations and stylised reconstruction settings reflect the seeming realism of the narrative and create tensions and enigmas. For example, the shot of the wig on the mannequin's head encourages the audience to make connections between Durst and the woman reportedly living at that address.

Technical codes

Camera shots, movement and angles work together to communicate messages and 'show' the narrative.

- Close-ups are used effectively in interviews to establish a bond between the interviewer, the subject and the audience. These shots also include the titles of the people being interviewed to reinforce their credibility. The close-up of the reconstruction of Durst shaving his head, cut with shots of hotel bills in different names, is speculation and used to fill in aspects of the story and to maintain the interest of the audience.
- The zoom shot is used to create drama, for example the slow zoom into a close-up of a saw similar to the murder weapon and the zooming into relevant sections of archive newspaper reports used as part of the investigation, encouraging audiences to put the pieces of the story together.
- Establishing shots are quick ways of communicating information. The establishing shot of the city, houses where Durst had lived and crime scenes, serve to create a sense of verisimilitude establishing real locations which the people related to the investigation function inhabit, so reinforcing their believability.
- The editing of sections of the documentary is carefully constructed to create a sense of verisimilitude. In one sequence Charles Bagli of the *New York Times*, interviewed by Jarecki, serves as the narrative soundtrack over a montage of images telling the story of a particular time in Durst's life, this includes a reconstruction showing a long shot of a man on a jetty, shots of a woman in slow motion and seen through the rain covered back window of a car, stills of a bank card, a car rental certificate and a wedding photograph. These shots are edited together to

suggest evidence relevant to the investigation and aimed at creating enigmas for the audience.

- Fly-on-the-wall filming, a convention of the documentary drama is used when the audience is shown the outside meeting between Durst and Jarecki with the cameras clearly visible underscored by the soundtrack of the phone call where Durst agrees to work with the documentary maker.

Audio codes

Sound and music are effective in communicating meaning in this programme.

- **Music:** this reinforces the hybridity between the crime documentary and the fictional drama. The music in the programme is used to heighten the emotional impact. For example, dramatic music underscores the images of Durst in an orange prison suit.
- **Diegetic sound:** sound effects contribute to the construction of realism, for example the clanging of the prison doors.
- **Non-diegetic sound.** Voice overs and conversations are used as soundtracks to film sequences encouraging the audience to evaluate the validity of what they are hearing alongside what they are being shown.
- **Dialogue:** this serves to establish the genre and construct the people involved in the investigation. This is largely through interviews which have been edited to focus on dramatic statements or revelations, or to contribute to the enigma of Durst. The voice of Durst himself is also important in positioning the audience in relation to what they think is the truth.

Theoretical Approaches: Post modernism – Baudrillard (A Level only)

- Baudrillard argues that the media create hyper-realities based on a continuous process of mediation. What is encoded as 'real' and what audiences then decode as actual, is not 'real' but instead 'simulacrum', signs which reference other signs, which then creates a hyper-reality.
- Audiences accept this constructed reality as real because they are consistently exposed to a world of images which no longer refer to reality.
- Media images have come to seem more "real" than the reality they supposedly represent.

Postmodern elements in *The Jinx*:

- The programme is postmodern in its narrative and the manipulation of time and space. The structure is paradoxical, fragmented and challenges the idea of an absolute truth by offering more than

one perspective, for example the conflicting accounts given by Durst and others involved in the case.

- There are also elements of bricolage, intertextuality and cultural codes to create audience appeal. Meaning is shaped through audience understanding of the conventions of other true crime documentaries. There are also intertextual references to fictional crime dramas.
- The programme blurs the boundaries between the real and the fictional, for example the credit sequence which employs a highly stylised montage of reconstructions and archive images.
- The programme is highly self-reflexive evident through the documentary-maker's role, Durst's direct mode of address and fixed expression and Durst's request to Jarecki.

Applying the concept of "simulacra" to *The Jinx*:

- Durst himself may be seen as simulacra in that he is constructed as a fabricated persona by the documentary, other media texts and by himself.
- Durst's world is a hyperreality, it is mediated and constructed.
- The series itself is a comment on the fascination of audiences for the hyperreal over the real, for example the inclusions of archive and home movie footage, the newspaper and photo stills and the reconstructions. Jarecki's own response to Durst also reflects this.

PART 2: STARTING POINTS – Representation

Consider how representations are constructed through a process of selection and combination.

- All representations are constructed and are not 'windows on the world'. Representations are constructed through media language, the information in the previous section will therefore be relevant when exploring representation in *The Jinx*. Media products are mediated to communicate meanings using elements of media language including:
 - **Technical codes.** Camera shots, angles, movements, lighting and editing combine to construct representations and to position audiences in relation to those representations.
 - **Audio codes:** diegetic and non-diegetic sound including a soundtrack, mood music and dialogue contribute to the construction of representations.
 - **Iconography:** clothing, settings and props, particularly in relation to the cultural context, contributes to the construction of representations and will have been a key consideration of the producers in

representing the people involved in the programme.

The effect of social and cultural context on representations

Representations of gender: Women/ Femininity

The construction of female representations in *The Jinx* creates a discourse around how women are displayed, their role and importance within the narrative and how the audience is positioned in relation to the female characters.

- One representation of women in *The Jinx* is as victims in a patriarchal society. These women are seen as subservient and disposable. **Kathleen**, Durst's first wife who disappeared in 1982 is represented as a victim. Archive newspaper headlines read, 'Search for beautiful wife of developer', representing her as an accessory to Durst, she is defined by her physical beauty and he by his wealth and status.
- **Durst's mother** is constructed as unstable and a victim of male domination. There are suggestions that some of Durst's issues stem from his childhood, suggesting that the nurturing role of the mother had failed in some way and that she was implicitly to blame for his subsequent behaviour.
- However, there are also representations of strong women within the documentary. **Jeanine Pirro** challenges the stereotype of the woman as victim, she is a successful, powerful woman, a District Attorney. She is constructed through her clothing, a suit and formal dress, her mise-en-scène connoting power and also her commanding voice and demeanour. The scene where she enters the press conference is accompanied by dramatic music and she is assertive in her address stating, 'We will get to the bottom of what happened to Kathleen Durst, one way or another'. Images of Jeanine Pirro then have the soundtrack of a phone conversation between Durst and Debrah Lee where he expresses his concern about the fact that he will be arrested for the murder of Kathy, suggesting he is aware of Pirro's power.



- Debrah Lee is also constructed as a strong, independent person. She is a fiery woman who holds her own in the interviews, despite the mis-en-scène suggesting her lack of importance. She also stands up to Durst in the phone calls expressing her dissatisfaction with his lawyer.

Representations of gender: Men/ Masculinity

- The men in *The Jinx* are largely seen to be in control conforming to stereotypical representations of dominant males. The examples of authority including detectives, the district attorney and lawyers, are all in positions of power and their representations are constructed by their formal clothing and their mis-en-scène.
- One of the people challenging this representation, **Cody Cazalas**, is dressed more informally, his responses are more contemplative, and he is represented as the 'honest cop' whose narrative is more likely to be trusted by the audience.



- The representation of **Durst** himself is more complex in its construction. In the pre-credit sequence, although not mentioned by name, he is defined by the monstrosity of his crime. The description of the discovery of the body in the bay is graphic and disturbing, the language hyperbolic and the accompanying images shocking. A decision has been made by the documentary maker for this to be the first introduction to Durst. The rest of the episode constructs a representation of the man who allegedly committed this crime as an enigma. Different people offer conflicting viewpoints. The filming and editing construct him as at times frail and alone, for example when framed between two tall prison officers and at other times seeming more manipulative and in control, producing rehearsed responses.



Theoretical Approaches: Feminist theory - bell hooks and Van Zoonen (A Level only)

- bell hooks assertion that feminism is a struggle to end sexist/patriarchal oppression and the ideology of domination can be explored in relation to *The Jinx*.
 - Men are seen to be in dominant positions in the programme and women are seen to be subservient to males. Overall, the men control the narrative within the programme and the audience must decide who to trust.
 - Durst represents the extremes of patriarchal oppression in that he has been accused of abusing and taking the life of women.
 - Kathie, in particular is seen to be a victim, she is constructed in comparison to Durst, she is less wealthy and is defined by her appearance and the fact she has 'Vanished!'
 - However, Jeanine Pirro and Debrah Lee Charatan challenge this representation and are represented as strong, independent women who know their own minds.
- Van Zoonen's assertions can be explored in relation to *The Jinx*:
 - The idea that gender is constructed through discourse, and that its meaning varies according to cultural and historical context. Consider:
 - The socialist feminist viewpoint that wealth is focused in the hands of the male characters in the text, Durst and his family. Kathie as a woman from a lower-class background is seen to be less important and more disposable than the wealthy Dursts. She is defined in the newspaper reports by her physical beauty and Durst by his social standing and his wealth.
 - The radical feminism viewpoint that women are mostly subservient to males and are victims of patriarchy.

Patriarchal values are evident within the programme through lawyers and detectives. Kathie is defined by her relationships to males, for example the headline 'beautiful wife'.

- The liberal feminist concept of the "superwoman" figure may be identified in Jeanine Pirro who holds a position of authority in a male-dominated world. Her inclusion in the programme suggests that the place of women changes to reflect cultural and social progression. She is powerful and not marginalised but central to the narrative in her role as the DA.

Theoretical Approaches: Gender performativity – Judith Butler (A Level only)

- Butler's assertion that identity is performatively constructed by the very 'expressions' that are said to be its results, can be explored in relation to *The Jinx*:
 - The references to Durst's cross-dressing and the construction of his own persona in impersonating a woman.
 - Kathie in her absence 'performs' particular aspects of female identity which constructs her as an object, a victim and subservient to male domination. Other women in the programme display particular gender characteristics through the way they act, speak and dress, a set of performative acts and rituals which illustrate the performative nature of gender, for example the wearing of pink.
 - The male characters display typically masculine identity traits through their costume, way of talking, mise-en-scène and rational, impassive behaviour. This is particularly true of the Texas DA Dick Deguerin represented in his check shirt, Stetson and gun.

PART 3: STARTING POINTS – Media Industries

Processes of production, distribution and circulation by organisations, groups and individuals in a global context:

- *The Jinx* was produced by HBO Documentaries, Hit The Ground Running Films and Blumhouse Productions. HBO is part of the WarnerMedia group (formerly TimeWarner), a multinational mass media and entertainment conglomerate with the advantage of multi-platform synergy.
- In 2018 TimeWarner merged with AT&T and became WarnerMedia. This merger meant that

one of the world's largest wireless and telecommunications companies combined with one of the world's largest media and entertainment companies.

- In 2021 AT&T announced a deal to combine WarnerMedia with Discovery to create the second largest media company after Disney, enabling it to compete in the global streaming race.
- HBO has established a brand identity as premium status broadcaster and is known for its quality television products that have high production values and receive widespread critical acclaim. HBO's marketing suggests to audiences that it offers something different and better than other channels, reflected in its tagline 'See Things Differently'.
- HBO programming is available for subscription in over 155 countries. As well as the main HBO channel in the US, there are other channels targeting different audience demographics including HBO Family, HBO Comedy and HBO Latino. 'Stories connect us — they always have. At HBO, we strive to develop the best shows and films that illustrate the incredible power of storytelling.' (www.hbo.com/about)

The significance of economic factors, including commercial and not-for-profit public funding to media industries and their products:

- HBO is funded through subscription and does not have to sell advertising. This means that it is not under pressure to produce programmes that will attract advertisers like other commercial broadcasters.
- In the UK, HBO programmes are broadcast on Sky UK. There is a licensing agreement between Sky and HBO whereby Sky has the first-run rights to show HBO programmes across all the European territories in which it operates.
- Sky is similar to HBO in that it is available by subscription, but it does carry advertisements.

How media organisations maintain, through marketing, varieties of audience nationally and globally:

- *The Jinx*, as a completely new programme, had to target and appeal to a range of audiences. However, as part of the marketing campaign, the typical codes and conventions of true crime documentaries were used to establish the programme within a sub-genre popular with audiences.
- The marketing campaign was created by Matthew Cohen Marketing Creative and consisted of:
 - Establishing a brand for the programme throughout the marketing material based on

intertextual references to crime dramas, the media attention around Robert Durst and the other productions of Andrew Jarecki, for example *Capturing the Freidmans*.

- A **trailer** which dramatically established the enigma that is Robert Durst through a compilation of archive footage and newspaper reports, a soundtrack of gunshots and emotive music. The trailer was very stylised reinforcing the hybridity of the programme, employing the conventions of true crime documentaries and crime dramas. The editing of the interview clips and soundbites offer conflicting narratives; 'he was a darling', 'nobody tells the whole truth' and contribute to the enigma. The on-screen graphics promise pleasure – 'ground-breaking', 'one very rich subject'.
- The **poster** features a single image of Robert Durst half in shadow, half in light, creating the enigma – is this man a murderer? The HBO logo is also clearly featured as mark of trust suggesting this is a quality production.

The regulatory framework of contemporary media in the UK

The role of regulation in global production, distribution and circulation (A Level only)

- The fact that HBO is only available through subscription means that it is not subject to the same regulatory guidelines as those broadcasters who have to abide by more severe restrictions. This means that programmes shown on HBO are able to include more controversial content.
- However, programmes produced by HBO and shown in other countries will be subject to the regulatory framework of that country, for example the watershed in the UK.
- Ofcom is the main regulator of communication services in the UK. The Broadcasting Code produced by OfCom will have an impact on all television programmes shown in the UK.
- Where versions of the programme are broadcast in different countries, there may be issues around different regulatory systems. Attitudes of other countries to offensive material including sexual content and violence may differ and amendments may have to be made to the programme.

Theoretical Approaches (A Level only)

Regulation: Livingston and Lunt

- The fact that television companies now operate in a global market has introduced challenges with regard to regulation of content. In addition, the ways in which television content is distributed to

audiences across a range of digital platforms means that regulation is more complex.

- Where programmes, for example *The Jinx*, are produced by companies owned by global media corporations (HBO), then this makes traditional approaches to regulation more complicated.
- HBO, as part of a multi-media conglomerate concerned with profit, could be said to be more concerned with furthering the needs of consumers by ensuring choice, value for money and market competition, than offering protection to citizens.
- However, Sky channels in the UK have to comply with the same broadcasting regulations as other channels and broadcasters, for example the BBC.

Cultural Industries: Hesmondhalgh

- HBO is a privately owned broadcaster that employs a range of strategies to minimise risk and maximise audiences. One of these as indicated by Hesmondhalgh, is vertical integration. HBO had the means to produce and distribute *The Jinx* globally. The product was broadcast by HBO and by Sky in the UK. In this way the production minimised financial risk and guaranteed the US market.
- *The Jinx* was produced by the major global media institution and vertically integrated company WarnerMedia which has cross-media interests, for example, film and television.
- A key strategy used by HBO is formatting their cultural products. Where audiences can anticipate what to expect from new products through, for example, familiarity with genre conventions, then the risk is minimised. *The Jinx* is a documentary, a tried and tested genre, but also an example of a very popular sub-genre, 'true crime' offering something different (Neale) to attract and maintain audiences.
- The marketing materials for *The Jinx* incorporated formatting by playing on the audience's interest in the existing case of Robert Durst. They also referenced Jarecki's other work including his film *All Good Things* about Durst and *Capturing The Friedmans*, also based on a true crime.

PART 4: STARTING POINTS – Audiences

How media industries target audiences through the content and appeal of media products and through the ways in which they are marketed, distributed and circulated.

Consider who is the target audience for *The Jinx*:

- The primary target audience are fans of true crime and of HBO; a mainstream audience aged 15+ evident through the 8pm TV slot in the US. The

programme has a cross-gender and age appeal due to the generic elements including elements of true crime, thriller and reality television.

- The secondary audience may be the the documentary viewer who likes the notion of finding out the truth. This audience may enjoy the extratextual elements which made the programme truly investigative, for example the inside knowledge about Durst and the revelations in the programme itself including the discovery of the letter during filming and the hot-mic confession by Durst in the last episode.
- A tertiary audience may be the box-set viewer attracted by the marketing and publicity to a genre they may not normally watch. There may be an inherited fan base from Jarecki's previous productions, for example, *Capturing the Friedmans* and from other HBO productions.

Consider how the programme appeals to these audiences:

- Traditional marketing strategies including the trailer and posters would target audiences alongside digital marketing such as:
 - the HBO website
 - Subreddit discussion – viral marketing
 - social media “buzz, the final episode “event”.
- The programme also appealed to a new generation of fans who were more aware of the legal system. Other texts, for example the OJ Simpson trial, had educated audiences and kept them hooked over a period of time.
- The voyeuristic elements of the unfolding story would appeal to audiences.
- The appeal of the genre- the true crime sub-genre offers the pleasure of the intellectual puzzle. Audiences can actively participate in solving the crime.
- The appeal of the narrative – the fact that it is a real crime with a real criminal. The narrative unfolds through flashbacks and manipulation of time and offers a vicarious sense of danger and thrill.
- The aesthetic appeal – the way in which the programme is constructed with the stylised sequences, slow motion and drama conventions suggests high production values.

How audiences use the media in different ways, reflecting demographic factors as well as aspects of identity and cultural capital.

- Modern audiences may identify with the people featured, for example Cody Cazalas shares his concern and confusion about the case, his world is

similar to that of the audience. The narrative reflects contemporary fears and concerns. Universal themes including love, betrayal and retribution are explored and will resonate with a range of audiences.

- Audiences may use the programme for escapism and diversion. The enigmas in the programme, the relationships and the puzzle of the flashbacks offer diversionary appeal. There is also the appeal of the relationship between the filmmaker and the subject with clues revealed as the episode progresses allowing audiences to escape into the world of the real-life crime and be a detective.
- Audiences may engage in social interaction; the programme has a watercooler effect. There was a social media buzz around the programme, its revelations and the subsequent arrest of Durst.

Theoretical Approaches: Reception Theory – Stuart Hall

Consider Hall's assertion that there are three hypothetical positions from which messages and meanings may be decoded, in relation to *The Jinx*:

- An audience may understand and accept the producers' intended meaning, to reveal the truth to the audience through the construction of a programme that appeals to audiences by including some typical conventions of the documentary genre, whilst offering something different in the conventions of the true crime sub-genre. These audiences may also be interested in the insight into Durst, a disturbing and enigmatic murderer.
- Some audiences may assume a negotiated position. They may enjoy elements of the programme and the tensions created though the narrative, but may be more critical of the overt narrative manipulation and constructed elements.
- Some audiences may adopt an oppositional position and may feel that to use a real life crime and real people as a source of vicarious pleasure is unacceptable and unethical. They may be unhappy with the blurring of lines between documentary and drama and the use of stylised reconstructions intended to manipulate the emotions of the audience.

Theoretical Approaches: Fandom – Henry Jenkins (A Level):

- Jenkins asserts that:
 - Fans actively participate in the construction and circulation of textual meanings
 - Fans are part of a participatory culture that has a vital social dimension
- Fans of *The Jinx* and its true crime subject matter gained pleasure from using social media platforms

to communicate with others who shared their interest in the programme and as such also contributed to the marketing of the product through the dissemination of fan content.

- Fans share opinions about programmes and through social media, offer interpretations, ratings and overviews of episodes and the series. Fans of *The Jinx* also questioned the documentary makers. Ironically, they also took to social media to complain of spoilers when Durst was arrested before the final episode.
- Fans of *The Jinx* interpreted the text in a range of ways including through memes, fan fiction and original artwork and this can now be easily shared through social networking platforms.
- Active fans attended Durst's trial.

PART 5: STARTING POINTS – Media Contexts

Social and Cultural contexts. Consider:

- *The Jinx* as a true crime documentary highlights debates about crime and violence in American society. It also reflects the division of power in American society between those who have wealth and influence and how this can be used and those who do not.
- *The Jinx* explores American themes and values including capitalism and the American Dream.
- The programme is culturally specific; New York, Galveston and Texas are featured locations with recognisable iconography.
- The programme's cultural influences include documentary traditions and conventions and specifically those of the true crime sub-genre.
- The narrative is universal and reflects the concerns of contemporary society.

Economic contexts. Consider:

- The status of HBO as a privately owned subsidiary of WarnerMedia, owned by AT&T. It is funded by subscription and known for its premium content. It has the power and means to distribute content globally which contributes to its economic success.
- The impact and importance of the global reach of the company across convergent media platforms.
- The popularity and therefore marketability of the true crime documentary sub-genre.

Acknowledgements

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All quotes from dialogue taken from *The Jinx* Episode 1, Series 1. Original Broadcaster: HBO