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***Where the Crawdads Sing* Deconstructed: An Examination of Natural vs. Moral Law, Rural Justice Systems, and True Crime**

HANNAH MARTIN

Exceptional works of literature should challenge one intellectually. Sadly, after entering law school, many students are limited in their exposure to any reading material not stemming from a casebook. Ironically, in many situations there is arguably as much to be learned from classic literature or poetry as from textbooks. Such pieces of writing often have a way of forcing its reader to critically evaluate the social, legal, or ethical constructs presented within. As a result, readers are forced to analyze and develop their own respective opinions of how these issues are at work in society today. One piece of literature that tactfully challenges its readers in this way is *Where the Crawdads Sing* by Delia Owens.

Delia Owens' *Where the Crawdads Sing* is an undoubtedly captivating fiction that intertwines issues of law, race, gender, morality, and murder. Set in North Carolina in the 1960s and 1970s, readers may initially justify these issues as being of the past. However, over the course of the novel, Owens skillfully challenges the reader's own ideas of morality, justice, and bias in society. In addition, readers are further intrigued by these issues after discovering that Delia Owens herself was linked to a suspicious murder. The eerie similarities between the novel and a murder in Zambia during Delia Owens' time there have caused many to wonder how much reality is threaded through this work of fiction.

I. NATURAL LAW VS. MORAL LAW

The theme of natural vs. moral law lies at the heart of the novel *Where the Crawdads Sing*.¹ The story is a coming-of-age tale that follows Kya Clark, a young girl growing up alone in the marshland of North Carolina.² Over the course of the novel, Owens uses Kya's experiences and interactions with townsfolk to shed light upon two distinct rules of law.³

1. April Khaito, *Where the Crawdads Sing*, Natural Does Not Equal Moral (June 4, 2019), <https://boneofbones.com/2019/06/04/where-the-crawdads-sing-natural-does-not-equal-moral-spoilers/>.

2. See generally DELIA OWENS, *WHERE THE CRAWDADS SING* (2018).

3. See generally *id.*

A. Development of Natural vs. Moral Law

Where the Crawdads Sing provides a comprehensive case study into the development of one's moral compass.⁴ Slowly abandoned by her entire family due to an abusive father, Kya must learn to survive in the marsh at a very young age.⁵ As if that were not hard enough, Kya soon realizes that townspeople have labeled her "swamp trash."⁶ Outcast by members of the community and struggling to survive, Kya is forced to befriend the wildlife.⁷ In the depths of the marsh, Kya's moral compass, social expectations, and concept of justice are shaped by observing the natural world.⁸ Early on, it is suggested to the reader that the marsh people's rule of law differs vastly from a modern, civilized society:

Just like their whiskey, the marsh dwellers bootlegged their own laws—not like those burned onto stone tablets or inscribed on documents, but deeper ones, stamped in their genes. Ancient and natural, like those hatched from hawks and doves. When cornered, desperate, or isolated, man reverts to those instincts that aim straight at survival. Quick and just.⁹

In these few sentences, Delia Owens leads readers to contrast moral, Christian law with a more natural, primitive law. However, despite what initially sounds like an uncultured attitude toward the natural law, the ending of the book suggests that this natural way is inherently just.¹⁰ The reader is left to grapple with this idea throughout the remainder of the novel as situations of rape, injustice, and murder arise.

Without question, Kya operates outside the cultural and legal norms of her time. Abandoned, isolated, and fighting to survive at the mere age of ten, Kya had no other choice but to find solace in the marsh.¹¹ Nature is the only constant she experiences in all stages of her life. Kya is comforted by the predictability of nature's processes and the patterns of the environment.¹² Nature is initially the only thing she can truly connect with on an intimate level.¹³ When it comes to Kya's upbringing, "Most of what she knew, she'd

4. *See generally id.*

5. OWENS, *supra* note 2 at 12.

6. *Id.* at 18.

7. *See generally id.*

8. *See generally id.*

9. *Id.* at 8.

10. Khaito, *supra* note 1.

11. *See generally* OWENS, *supra* note 2.

12. *See generally id.*

13. *See generally id.*

learned from the wild. Nature had nurtured, tutored, and protected her when no one else would.”¹⁴

Delia Owens uses Kya’s unconventional and tragic upbringing to successfully elicit sympathy and bring awareness to her egocentric worldview. Kya’s first-person observations of animals in their natural environment prompt the reader to gradually gain an understanding of how Kya processes the events in her daily life. Kya learns to justify the behaviors of the humans around her with patterns she observes in wildlife.¹⁵ For example, after Kya’s mother leaves her and her siblings behind, she initially holds onto hope that she will one day return.¹⁶ However, later in life, Kya seems to justify this behavior by comparing her mother to a mother fox.¹⁷ Kya understands that even though the kits may die after the mother abandons them, the vixen is able to breed a stronger litter and ensure the survival of her lineage.¹⁸

This form of justification is initially challenging for a reader to accept. However, Delia Owens skillfully assures the reader that, “For Kya, it was enough to be part of this natural sequence as sure as the tides. She was bonded to her planet and its life in a way few people are. Rooted solid in this earth. Born of this mother.”¹⁹ Where most individuals would struggle with isolation and self-preservation, Kya learned to thrive. And she learned it through her observation of and integration into life in the marsh.

B. Natural Law vs. Moral Law Exhibited in Where the Crawdads Sing

The theme of natural law vs. moral law repeatedly emerges in three distinct topics within the pages of *Where the Crawdads Sing*—love, death, and justice. Through the eyes of Kya, Delia Owens illustrates how natural law can come to influence human behavior. However, it is also fascinating that without a basic understanding of modern moral law, the effect of some crucial scenes in the novel would lose their significance. This juxtaposition of natural and moral law ultimately leads a reader to consider whether and how both remain at play in our own society and legal system.

14. *Id.* at 363.

15. *See generally id.*

16. OWENS, *supra* note 2 at 12.

17. *Id.* at 6.

18. *Id.*

19. *Id.* at 363.

I. Love

Kya's experience with love in the novel highlights the interaction between natural and moral law. As Kya matures, she becomes involved with two drastically different male love interests.²⁰ The first, Tate Walker, shares a sincere love and appreciation for nature and bonds with Kya on an intimate, emotional level.²¹ The second, Chase Andrews, appears to pursue Kya merely for sexual gratification and eventually even rapes her when she ends the relationship.²² In her interactions with the two men, Kya often looks to nature to guide her and to understand how males and females are meant to interact.²³

However, it is through a basic understanding of moral law that some critical scenes in this area are given meaning.²⁴ To highlight this point, two specific scenes come to mind: (1) Kya's first sexual encounter with Chase at a motel, and (2) Chase's attempted rape of Kya on the beach.²⁵ In the first scene, Kya and Chase travel to a motel together where they eventually engage in intercourse.²⁶ However, the experience appears to be very methodical and one-sided with Chase focused only on his own pleasure.²⁷ This ultimately leaves Kya feeling shame and confusion.²⁸ Viewing this scene through the lens of what Kya has observed in the natural world, nothing would necessarily seem wrong. Mating is something that is mechanical, and male species often simply track down a female to accomplish this task.²⁹

The readers' moral sense of right and wrong accentuates the importance of this scene. Here, in the midst of her shame and confusion, the reader senses that Kya harbors an ultimate desire for intimate human connection. The reader understands she is vulnerable to her emotions and desire to belong even if Kya does not acknowledge it herself. One can argue that this longing does not stem from nature at all, but rather from moral law. It is through God's moral law that male and female are understood to be made in His image, giving relationships between them a deeper meaning.³⁰

A second scene in which natural and moral law are at play is when Chase attempts to rape Kya on the beach.³¹ During this scene, Kya informs Chase

20. Khaito, *supra* note 1.

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.*

25. OWENS, *supra* note 2 at 264-65.

26. *Id.* at 193-94.

27. *Id.*

28. *Id.* at 194.

29. *Id.* at 182-83.

30. Khaito, *supra* note 1.

31. OWENS, *supra* note 2 at 264-65.

that she no longer wishes to be involved with him.³² In anger, Chase punches Kya and attempts to force himself on her.³³ Previously in the novel, Kya explains through her observation of wildlife that males often do what must be done to propagate their seed, despite the effect on the females.³⁴ Applying this understanding of natural law, Chase's attempted rape can be justified for evolutionary and biologically necessary reasons. Kya herself says, "Biology sees right and wrong as the same color in different light."³⁵

Once again, the application of moral law to this scene is what provides a deeper understanding of the complex interrelationship between natural and moral law. While reading the attempted assault, readers immediately understand that rape is morally, culturally, and legally unacceptable in society. Furthermore, it is this understanding that allows them to empathize with Kya and understand the deep fear that this invokes in her. Even though Kya expresses an understanding and justification for many of the mating rituals of wildlife in the marsh, Kya refuses to allow herself to simply become a biological conquest.³⁶

This moral understanding of right and wrong undermines the beauty of the natural law that Owens attempts to portray throughout the novel.³⁷ While Kya develops her own moral compass based upon what she sees in nature, one can still see that at times she still hopes for more. This is evidenced at one point in Kya's description of the survival tactics of various animals.³⁸ The narrator says, "Nothing seemed too indecorous as long as the tick and the tock of life carried on. She knew this was not a dark side to Nature, just inventive ways to endure against all odds. Surely for humans there was more."³⁹ This expectant wish for the human experience to be "more" is one of the most direct indications of Kya's repressed hope that love and survival just might differ from that of the natural world.

2. Death

Where the Crawdads Sing also explores death in light of both natural and moral law after the murder of Chase Andrews. At the beginning of the novel, a line reads, "A swamp knows all about death, and doesn't necessarily define

32. *Id.* at 264.

33. *Id.* at 265.

34. *Id.* at 182.

35. *Id.* at 143.

36. See generally OWENS, *supra* note 2.

37. Khaito, *supra* note 1.

38. See generally OWENS, *supra* note 2.

39. *Id.* at 183-84.

it as tragedy, certainly not a sin.”⁴⁰ Immediately, the reader is challenged with both a natural and a moral view of murder. Natural law suggests that death is just an inevitable part of mother nature’s course, undeserving of special attention and grief.⁴¹ The creatures of the marsh do not hold others accountable for ending a life.⁴² There are no grudges or hard feelings in a survival of the fittest realm. In contrast, death is often feared in society and viewed as an unfair or grievous sin in the case of murder under moral law. Delia Owens weaves these vastly different concepts of death together, leaving the reader to grapple with their own notions of what is acceptable.

After Chase is found dead in the marsh, the townsfolk immediately accuse Kya before any details or evidence are presented.⁴³ Based on the circumstantial evidence against her, the reader is led to believe Kya is innocent and only a suspect because of the prejudice of the town. Owens bounces back and forth between the murder investigation in 1969 and Kya’s childhood and adolescence.⁴⁴ Sprinkled throughout these chapters, Kya often makes subtle allusions to nature’s matter-of-fact view of life and death in her observation of the marsh.⁴⁵ These serve as passive indications of Kya’s involvement in Chase’s demise.

In one instance, after Kya is abandoned by Tate, she watches fireflies perform their mating dance.⁴⁶ She notices that the female fireflies flash a code to catch the attention of males when they are ready to mate.⁴⁷ Kya is fascinated when one female changes her code.⁴⁸ First, she flashes the proper sequence to attract a male of her species, but afterward, she changes her signal and attracts a male of a different species.⁴⁹ The second male, believing he had found one of his own kind to mate with, hovered above the female firefly.⁵⁰ Suddenly, the female reached up, grabbed him, and ate his entire body.⁵¹ As Kya observes, the narrator says “Kya knew judgment had no place here. Evil was not in play, just life pulsing on, even at the expense of some of the players.”⁵²

40. *Id.* at 3.

41. *Id.*

42. *Id.*

43. OWENS, *supra* note 2 at 62.

44. *See generally id.*

45. *See generally id.*

46. *Id.* at 142.

47. *Id.*

48. OWENS, *supra* note 2 at 142.

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.* at 142-3.

After Chase's beating and attempted rape, Kya reflects upon a different species's deceptive mating ritual.⁵³ Here, she describes watching an arrogant male praying mantis approach a female praying mantis who appeared to be interested.⁵⁴ However, in the middle of mating, the female bites off the head of the male and kills him.⁵⁵ Kya reflects upon these rituals thinking, "Female fireflies draw in strange males with dishonest signals and eat them; mantis females devour their own mates. Female insects, Kya thought, know how to deal with their lovers."⁵⁶ This quote once again demonstrates Kya learning from the wildlife and serves as foreshadowing for what truly may have happened to Chase.

The novel depicts some clear boundaries between natural vs. moral law in *Where the Crawdads Sing*. Nature is presented as the all-knowing teacher. The seasons, environmental patterns, and the interactions of the marsh creatures provide the framework for living and justice. Kya develops into a strong, self-sufficient woman by observing and embracing the natural processes of life in the marsh.⁵⁷ While Delia Owens romanticizes natural law, her descriptions of rural moral law are less flattering.⁵⁸ Kya regularly encounters the biases, racism, and elitism of the social, educational, and judicial institutions of the rural community.⁵⁹ The writer makes it clear moral law is riddled with shortcomings.⁶⁰ The circumstances of Chase Andrews' murder begs the reader to question their own beliefs with respect to moral law: Is it always black and white? Or can moral law bend with the surrounding circumstances?

Delia Owens' skillful character development throughout the novel leads many readers to feel sympathy for Kya. Over time, Kya's oneness with the environment and unique worldview gain acceptance, and even understanding, from the readers. Thus, when the bombshell is dropped that Kya is, in fact, a murderer, the audience has mixed emotions. In light of moral law, many accept that murderers are evil and deserving of punishment. However, the fact that Chase beat, attempted to rape, and stalked Kya earlier in the novel offers a mitigation for the audience to consider.⁶¹ Owens provides a potential

53. OWENS, *supra* note 2 at 274.

54. *Id.*

55. *Id.*

56. *Id.*

57. *See generally id.*

58. Bailey Tulloch, *Reconstructing Rural Discourse*, 120 MICH. L. REV. 1337, 1340 (2022), <https://repository.law.umich.edu/mlr/vol120/iss6/21>.

59. *See generally* OWENS, *supra* note 2.

60. Tulloch, *supra* note 58 at 1340.

61. *See generally* OWENS, *supra* note 2.

escape from the application of moral law and challenges her readers to address the complexities of what is actually moral.

3. *Justice*

Finally, Owens draws a contrast between natural and moral law in the application of justice in *Where the Crawdads Sing*.

Essentially, *Where the Crawdads Sing* is a story about survival. Owens suggests through her writing that “whatever ensures your survival, must be right for you.”⁶² Kya learns at a young age that survival of the fittest is inevitable in nature. In many ways, Kya is desensitized to things such as death. Having observed wildlife doing whatever is necessary to propagate one’s seed or preserve one’s lineage, Kya discovers that “Mother Nature is the ultimate moral relativist.”⁶³ Self-preservation is nature’s justice, and Owens skillfully leads the reader to assume Kya adopted it as her own form of justice.

Moral law again enters the novel through the application of the criminal justice system.⁶⁴ Ironically, it is through this “justice system” that Owens also highlights the inherent bias, racism, and prejudice in Kya’s community.⁶⁵ Once again, this calls into question the true morality of the rule of law in rural North Carolina at the time.

Interestingly, Kya ultimately gets away with murder.⁶⁶ The reader eventually realizes that the moral justice system as we know it failed to punish a murderer.⁶⁷ However, the reader also observes that the townspeople set aside their bias (for the first time in Kya’s life) and judge her as a fellow human being.⁶⁸ In light of the past discrimination toward Kya, Owens suggests that the outcome was still just.⁶⁹

Despite this attempt to reconcile natural and moral law, readers are left pondering. Was it revenge or survival? Clearly, Kya’s natural instincts to survive and her ability to actually survive can be attributed to her natural teachers in the marsh. In light of this, readers desperately want to believe Kya was motivated solely by survival instincts when she killed Chase. It makes it more palatable —less premeditated— easier to justify as readers celebrate her acquittal. However, unlike the marsh creatures, Kya is still

62. Khaito, *supra* note 1.

63. *Id.*

64. *See generally* OWENS, *supra* note 2.

65. *See generally id.*

66. *See generally id.*

67. Khaito, *supra* note 1.

68. OWENS, *supra* note 2 at 346.

69. *See generally id.*

human. Her ability to reason, think independently, and experience emotion also contributed to her survival and her decision to kill.

Ultimately, the reader has to realize that Kya is a flawed human being no matter how sympathetic her character is. Moral law would likely find Kya guilty of murder. But what if she killed solely to ensure her survival? Are there extenuating circumstances? The reader is left to wrestle with whether justice was served or whether moral law was bent too far.

II. DEFICIENCIES OF THE RURAL JUSTICE SYSTEM IN BARKLEY COVE AND ITS INFLUENCE ON KYA

Where the Crawdads Sing offers unique insight into the rural justice system in Barkley Cove, North Carolina.⁷⁰ Ironically, early on the novel contrasts the marsh's "bootlegged" laws with the town's more refined justice system.⁷¹ When Kya is eventually charged with the murder of Chase Andrews, she finds herself thrust into this system.⁷² Compared to Kya's freedom in the marsh, Barkley Cove's legal system is stifling.⁷³ However, these encounters bring light to deficiencies in the rural justice system and ultimately help the reader better understand Kya's own flawed perception of justice.

A. Prejudice

The inherent prejudice of Barley Cove's criminal justice system is the most obvious issue confronting readers.

Immediately after discovering Chase Andrews' body, the reader observes how quickly word spreads throughout the small town.⁷⁴ Within days, the townsfolk are gossiping and saying things like "It coulda [sic] been that woman lives out in the marsh. Crazy 'nough [sic] for the loony bin. I jus' [sic] bet she'd be up to this kinda [sic] thing . . ."⁷⁵ The mere fact that Kya is from the marsh and thus removed from the village's "sophisticated" forms of legal accountability only creates more suspicion.⁷⁶ Later, after Chase Andrew's mother mentions her own suspicions about the "Marsh Girl," the reader watches as law enforcement desperately searches for evidence connecting Kya with the events surrounding the murder.⁷⁷ Eventually,

70. See generally *id.*

71. OWENS, *supra* note 2 at 8.

72. Tulloch, *supra* note 58 at 1340.

73. *Id.*

74. OWENS, *supra* note 2 at 62.

75. *Id.*

76. Tulloch, *supra* note 58 at 1340.

77. OWENS, *supra* note 2 at 171-2.

although her involvement “seems a bit of a stretch,” Kya is arrested and jailed for Chase’s murder.⁷⁸

The pervasiveness of the prejudice only worsens as the trial approaches. Despite her attorney’s efforts to get the trial relocated due to the prejudices of Barkley Cove, the motion is quickly denied.⁷⁹ At her first Court appearance, Kya is faced with a jury of people whom she recognizes from the town.⁸⁰ As Kya looked at the twelve selected she realized, “Mrs. White, who had told her daughter that Kya was dirty, now sat on the jury.”⁸¹ The same people who regularly referred to her as “swamp trash” and “marsh girl” were now tasked with deciding her fate in a capital case.⁸²

B. *The Role of Rural Attorneys*

The deficiencies in the rural justice system and inherent prejudice are further underscored by the actions of the attorneys in the novel.⁸³ Both the prosecutor, Eric Chastain, and Kya’s defense attorney, Tom Milton, are keenly aware of the bias that faces Kya, and how it must be used to tell their respective stories.⁸⁴

Due to the lack of concrete evidence, Mr. Chastain relies merely upon theoretical evidence and the testimony of a few townspeople.⁸⁵ He repeatedly targets emotional appeals to the jury, tactfully reminding them “you lost one of your own” with the death of Chase Andrews.⁸⁶ In a classic small-town fashion, he portrays Chase Andrews as the town’s football star and shining prodigy.⁸⁷ Not only must Kya fight the prejudices of the jury, but also the patriarchal oppression that stems from being framed as the tossed-aside love interest of the town’s golden boy.⁸⁸

Upon meeting Kya for the first time, Tom Milton tells her that this case will not be an easy one to win.⁸⁹ He bases this assertion solely on the fact that the people in the town are prejudiced. Ultimately, he knows that all the prosecution needs is “some plausible concept the jurors could latch on to and pull them in.”⁹⁰ In a legal system that is supposed to be based on evidence beyond a reasonable doubt, it is a sad reality that rural defendants, such as

78. *Id.* at 227.

79. *Id.* at 259.

80. *Id.* at 260.

81. *Id.* at 261.

82. OWENS, *supra* note 2 at 261.

83. Tulloch, *supra* note 58 at 1341.

84. *Id.*

85. OWENS, *supra* note 2 at 269.

86. *Id.* at 339.

87. *Id.*

88. *Id.* at 318.

89. *Id.* at 287.

90. OWENS, *supra* note 2 at 336.

Kya, may be judged on nothing more than their upbringing and outdated stereotypes. However, in this case, against all odds, the artful skills of Tom Milton push people to see past these unfair labels and give Kya a fair shake for the first time in her life.⁹¹

During his closing statement, Tom Milton directly acknowledges Barkley Cove's discrimination and condemnation of Kya.⁹² In doing so, he is able to paint a sympathetic picture of Kya for the first time. He reminds the jury that Kya was "only an abandoned child . . . hungry and cold, but we didn't help her."⁹³ He goes on to remind them that instead of offering love and help to an abandoned Kya, they all labeled and rejected her.⁹⁴ He further opines "If we had fed, clothed, and loved her . . . we wouldn't be prejudiced against her. And I believe she would not be sitting here today accused of a crime."⁹⁵ In a powerful closing sentence, Tom challenges the jury with "It is time, at last, for us to be fair to the Marsh Girl."⁹⁶

Tom Milton's strategic decision to highlight the town's prejudice rather than focus on the lack of legal evidence shows just how persuasive small-town characteristics and prejudices can be in a supposedly "objective" legal system.⁹⁷

C. Impacts of the Flawed System on Kya's Development of Morality

Examination of deficiencies in the rural justice system in Barkley Cove leads the reader to consider how this may have also contributed to the development of Kya's own flawed moral framework.

Kya experienced prejudice, rejection, ridicule, and mistreatment from the citizens and institutions in Barkley Cove.⁹⁸ Those negative experiences with the townspeople resulted in Kya's further isolation and retreat to the wilderness.

At the age of seven, truant officers show up at Kya's house and take her to school for the first time.⁹⁹ Despite having never been to school before, the administrators decide to put Kya in the second grade because the first grade is too crowded.¹⁰⁰ Because Kya is just a marsh girl, they comment that it does

91. *Id.* at 341.

92. *Id.*

93. *Id.* at 340

94. *Id.*

95. OWENS, *supra* note 2 at 341.

96. *Id.*

97. Tulloch, *supra* note 38 at 1341.

98. *See generally* OWENS, *supra* note 2.

99. *Id.* at 26.

100. *Id.* at 28.

not really matter since she will probably only come to school for a few months.¹⁰¹ Upon arriving at her classroom, Kya is humiliated in front of everyone after she spells the word “dog” wrong.¹⁰² Later at lunch, no one pays any attention to Kya or invites her to sit with them.¹⁰³

Rejected and dejected, Kya runs to the beach as soon as the bus stops.¹⁰⁴ Here, Kya finally breaks down in tears.¹⁰⁵ However, she proceeds to find comfort and acceptance in nature as seagulls surround her to see what she brought to feed them.¹⁰⁶ When Kya has nothing left to feed the birds, the narrator states that Kya “didn’t think she could stand the pain, so afraid they would leave her like everybody else.”¹⁰⁷ However, the seagulls remain planted at her side.¹⁰⁸ Kya decides at this time she will never return to school.¹⁰⁹ Instead, she immersed herself in bird watching and shell collecting, “where she reckoned she could learn something.”¹¹⁰ It is through her observation of wildlife and their interactions that Kya learns valuable lessons of survival that begin to shape her moral compass.¹¹¹

Sadly, Kya experiences Barkley Cove’s flawed systems yet again when she is the victim of a rape attempt by Chase Andrews.¹¹² This incident allows the reader to see a drastic change from Kya’s normally strong, independent attitude to one of fear. After this incident, Kya knows she will never be safe from Chase and the rural justice system will not protect her.¹¹³ When Jumpin’ notices the bruises on Kya’s face and she admits what happened, he insists that something needs to be done.¹¹⁴ Kya’s response is desperate:

You can’t tell anybody. You know you can’t tell the sheriff or anybody. They’d drag me into the sheriff’s office and make me describe what happened to a bunch of men They’ll take his side. They’ll say I’m just stirring up trouble. Trying to get money out of his parents or something They’d do nothing. Zero.¹¹⁵

101. *Id.*

102. *Id.*

103. OWENS, *supra* note 2 at 29.

104. *Id.* at 30-31.

105. *Id.* at 31.

106. *Id.*

107. *Id.*

108. OWENS, *supra* note 2 at 31.

109. *Id.*

110. *Id.* at 31-32.

111. *See generally* OWENS, *supra* note 2.

112. *Id.* at 264-65.

113. *Id.* at 302.

114. *Id.* at 301.

115. *Id.* at 301-02.

Unfortunately, the bigotry and racism Kya and Jumpin' experienced from the community taught them they could trust the justice system. Both she and Jumpin' acknowledge that because of her status as "Marsh Girl," an accusation of an attempted rape against the beloved Chase Andrews would only lead to her name being drug through the mud.¹¹⁶ Somehow, the fault would be placed on her, likely for "[a]ctin' [sic] the ho."¹¹⁷ Many readers comprehend this injustice all too well, as it is not unheard of today for a rape victim of a man of status to be blamed for the encounter.

Each negative experience with the townspeople and their civilized systems further pushed Kya into the loving arms of the wilderness.¹¹⁸ Her rejection at school and the failure of the school system led her to seek education from the natural world.¹¹⁹ The unkind treatment from young and old townspeople alike spurred her to befriend the birds and marsh creatures.¹²⁰ The knowledge that even the police would not protect her from Chase Andrews led her to avenge her own assault.¹²¹ Finally, Kya's treatment after being arrested and Tom's acknowledgment that prejudice would likely rule the jury led her to completely retreat from any efforts to participate in her own defense.¹²²

Throughout the novel, Kya is keenly aware of the bias of the townspeople and police toward "marsh people".¹²³ However, her natural world upbringing focused on survival without regard for bias or emotion. She trusted its consistency. In Kya's view, the natural law was superior to the moral law of the townspeople who were so obviously prejudiced.

D. *Did the Deficient Legal System Return a Just Result?*

While Barkley Cove's justice system ultimately benefits Kya by resulting in her acquittal, readers are left wondering whether the jurors based their decision on the lack of evidence, or as a way to atone for years of mistreatment toward Kya. Did the decision deliver justice as intended by the system, or did jurors attempt to alleviate guilty consciences? The question of

116. OWENS, *supra* note 2 at 302.

117. *Id.* at 271.

118. *See generally id.*

119. *Id.* at 31.

120. *See generally id.*

121. *See generally* OWENS, *supra* note 2.

122. *See generally id.*

123. *See generally id.*

whether justice was delivered is similarly presented in *A Jury of Her Peers*, by Susan Glaspell.¹²⁴

In *A Jury of Her Peers*, Minnie Wright, an emotionally abused wife, has been arrested for the murder of her husband.¹²⁵ Similar to Kya, Minnie lived a reclusive life in a lonely farmhouse.¹²⁶ Upon news of the death, the sheriff and prosecutor are convinced that Minnie committed the crime and searched the Wright's home for any evidence of motive.¹²⁷ During this search, two women, Mrs. Peters and Mrs. Hale, accompany the men to the farmhouse to retrieve clothes for Minnie while she is in jail.¹²⁸

During the search, the men mock the women for commenting on trivial matters, such as the disorganized state of the kitchen, the coldness of the home, the empty birdcage, and the unfinished quilt in the living room.¹²⁹ However, these women end up piecing the puzzle together after locating Minnie's dead bird with a broken neck in her sewing box.¹³⁰ Rather quickly, they realize that Mr. Wright was an abusive husband who killed the pet bird.¹³¹ This heartless action was likely a breaking point for Minnie.¹³²

The two women begin to empathize with Minnie, recalling times in their own lives when the actions of men made them feel isolated or angry.¹³³ Recognizing that Minnie will be tried by an all-male jury, who could not possibly understand the plight of a neglected housewife, the women speculate Minnie will be found guilty by the patriarchal legal regime.¹³⁴ Similar to Mr. Milton acknowledging the town's neglect of Kya, Mrs. Hale mentions feeling guilt from her own failure to befriend Minnie stating that it is a "crime that will go unpunished."¹³⁵

After a brief moral dilemma, the two women ultimately take justice into their own hands and conceal the evidence of the murder by re-knitting the sloppy portion of the quilt, concealing the dead canary, and telling the men that the house cat likely snatched the bird.¹³⁶ These women act as a jury of Minnie's peers to ensure that a "just" outcome is served.¹³⁷

124. Susan Glaspell, *A Jury of Her Peers*, in *LIFTED MASKS AND OTHER WORKS* 279 (Eric S. Rabkin ed., 1993).

125. *Id.* at 283.

126. *Id.*

127. *Id.* at 304.

128. *Id.*

129. Glaspell, *supra* note 124 at 290.

130. *Id.* at 300.

131. *Id.* at 303.

132. *Id.*

133. *Id.* at 301.

134. Glaspell, *supra* note 124 at 304.

135. *Id.* at 303.

136. *Id.* at 296, 306.

137. *Id.* at 283.

Similar to *Where the Crawdads Sing*, *A Jury of Her Peers* challenges its readers to address complex issues of justice and the rural legal system. Readers today understand that the actions taken by the women in a *Jury of Her Peers* are highly illegal.¹³⁸ However, in the literary world, there has been consistent praise of the actions taken by the two women.¹³⁹ The taking of justice into their own hands has been widely praised by feminist scholars as morally justified in light of the fact that Minnie could not have obtained a fair trial at this time.¹⁴⁰

Similar to *A Jury of Her of Peers*, the reader discovers Kya actually did kill Chase in the final chapter of the novel.¹⁴¹ While these two stories are not identical in nature, the outcome is the same: Two women, who both committed murders of the oppressive men in their lives are found not guilty. In each, the readers are left to grapple with what justice really means. While readers of *Where the Crawdads Sing* initially understand the jury's verdict to be just and correct, they now must confront their own opinions on the complex issues of objective and subjective legality and morality.¹⁴²

III. CONTROVERSY SURROUNDING *WHERE THE CRAWDADS SING*

Following the movie premiere of *Where the Crawdads Sing* in 2022, controversy surrounding Delia Owens' potential linkage to a murder in Zambia in 1995 was reignited in the media. Interestingly, some striking parallels between the novel and Owens' own life lead many to question how much of *Where the Crawdads Sing* is truly inspired by Owens' personal experience.

A. Background

In 1974, Delia Owens, along with her husband Mark and his four-year-old son Christopher, auctioned off all that they owned and relocated to Deception Valley, one of the most remote areas in the Kalahari Desert of Botswana.¹⁴³ Both Owens were graduate students studying biology at the

138. Sara D. Schotland, *When Ethical Principles and Feminist Jurisprudence Collide: An Unorthodox Reading of "A Jury of Her Peers,"* 24 ST. JOHN'S L. REV. J. CIV. RTS. & ECON. DEV. 53, 62 (2009).

139. *Id.* at 59.

140. *Id.*

141. OWENS, *supra* note 2 at 367-68.

142. Tulloch, *supra* note 58 at 1341.

143. Jeffrey Goldberg, *The Hunted*, THE NEW YORKER (Mar. 29, 2010), <https://www.newyorker.com/magazine/2010/04/05/the-hunted>.

time and captivated by a desire to observe wildlife that would have no knowledge, or fear of humans.¹⁴⁴

Despite the loneliness, drought, and extreme conditions, Delia and Mark established a viable research station and began sharing the details of their fascinating endeavors through their writing.¹⁴⁵ Before long, Delia and Mark had attracted the attention of sponsors, fellow researchers, and reporters.¹⁴⁶ Ironically, similar to Kya and Tate in *Where the Crawdad's Sing*, these reporters often told a story not just of Delia and Mark's environmental research, but as a "tale of young love in a hard land."¹⁴⁷

One day, as he was flying over the Kalahari, Mark spotted a herd of wildebeest in migration.¹⁴⁸ Suddenly, they all stopped as they approached a steel-wired fence that stretched more than a hundred miles.¹⁴⁹ While the wildebeest searched for water, Mark watched in shock as a group of poachers began shooting en masse.¹⁵⁰ Enraged, Mark landed his plane behind the poachers and accelerated across the desert in an effort to stop the senseless killing.¹⁵¹ It was after witnessing this tragic mass killing of wildebeest that Delia and Mark's work began to transition from primarily research to increasing involvement in the "poaching wars."¹⁵²

After publicizing the event and attempting to raise awareness for the animals in Botswana, Delia and Mark were expelled from the country.¹⁵³ However, this did not stop them. Upon their return to the United States, they continued enlisting the support of Congressmen and searched for another area overseas where they could reestablish their research center.¹⁵⁴

In 1986, the Owens settled on North Luangwa in Zambia.¹⁵⁵ This area offered access to hundreds of miles of wilderness, lagoons, grasslands, forests, and plains perfect for their continued observation and research of wildlife in action.¹⁵⁶ Days after arriving, they began to see evidence of widespread poaching of elephants.¹⁵⁷ Unlike the Kalahari, where the animals ignored the few humans they encountered, the elephants here were struck

144. *Id.*

145. *Id.*

146. *Id.*

147. *Id.*

148. Goldberg, *supra* note 143.

149. *Id.*

150. *Id.*

151. *Id.*

152. *Id.*

153. Goldberg, *supra* note 143.

154. *Id.*

155. *Id.*

156. *Id.*

157. *Id.*

with fear at the sight of humans.¹⁵⁸ Mark and Delia made it their mission to remain in Zambia until the elephants could live in peace.¹⁵⁹

Mark and Delia established a camp in North Luangwa and built a small network of fishponds, grinding mills, and sunflower presses to employ local villagers and draw them away from working with poachers.¹⁶⁰ Their efforts, however, had minimal impact.¹⁶¹ This led Mark to begin providing assistance to the local scouts in Zambia's park service.¹⁶² The Owens were eventually named "honorary game rangers" by the government and quickly began organizing anti-poaching efforts.¹⁶³ Their projects expanded to include operating a bounty program, funding small businesses and education in the villages, and providing medical care.¹⁶⁴ Over time, the Owens gained widespread attention for these honorable efforts.¹⁶⁵

In 1994, ABC producer Janice Tomlin contacted the Owens about sharing their story.¹⁶⁶ Shortly after, ABC dispatched a crew to film episodes of "Turning Point" at Mark and Delia's camp to report their conservation efforts.¹⁶⁷ It was ultimately this documentary that now casts a dark shadow over the Owens reputation.

B. *The Murder*

The "Turning Point" documentary offered profound insight into the lives of Mark, Delia, Christopher, and other conservationists in Zambia.¹⁶⁸ In 1995, the camera crew of "Turning Point" filmed and aired the murder of a poacher.¹⁶⁹ In this episode, a scout is seen running through the brush carrying a rifle.¹⁷⁰ He approaches a man—a poacher—crouched in the grass and fires a total of three shots, killing the poacher.¹⁷¹ The narrator says, "The bodies of the poachers are often left where they fall for the animals to eat."¹⁷² After a brief pause, she continues, "Conservation. Morality. Africa."¹⁷³

158. Goldberg, *supra* note 143.

159. *Id.*

160. *Id.*

161. *Id.*

162. *Id.*

163. Goldberg, *supra* note 143.

164. *Id.*

165. *Id.*

166. *Id.*

167. *Id.*

168. Goldberg, *supra* note 143.

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

173. Goldberg, *supra* note 143.

When the documentary landed in the hands of the Zambian government, a homicide investigation was launched.¹⁷⁴ As a result, the Owens' North Luangwa Conservation Project was seized by the government.¹⁷⁵ The investigation ran cold. Coincidentally, after residing in Zambia for ten years, the Owens promptly returned to the United States after the Zambian government saw the documentary.¹⁷⁶

The Owens wrote several letters to Zambian government officials in an effort to clear their name.¹⁷⁷ However, the fact of the matter is that they are both still wanted for questioning in the investigation.

C. *Accusations and Investigation*

Following the publication of *Where the Crawdads Sing*, and the subsequent debut of the movie in July of 2022, intrigued readers began questioning some eerie parallels between this supposed fiction novel and Delia Owens' alleged connection to the murder in Zambia.

One interested reporter, Jeffrey Goldberg, traveled to North Luangwa to learn more about the Owens' work there.¹⁷⁸ On his visit, he learned that Mark Owens commanded a group of game scouts outside of the control of the Zambian government.¹⁷⁹ He had militarized a 2,400 square-mile park and bought the loyalty of these scouts through the provision of weapons, money, and supplies.¹⁸⁰ In fact, this is confirmed by Delia Owens herself in one of their autobiographies.¹⁸¹

Goldberg learned from various other sources that the Owens' scouts would often tie poachers to trees in the hot sun.¹⁸² While the Owens' attorney denied these allegations of brutality, a former scout named Henry Kampamba stated that "Mark Owens told us that anyone with meat or a weapon should have a beating."¹⁸³ Furthermore, a professional hunter named P.J. Fouche produced a letter from Mark Owens that read, "To date I have flown eight airborne antipoaching operations over your area, including four in which I inserted scouts on ambush Two poachers have been killed and one

174. *Id.*

175. *Id.*

176. *Id.*

177. *Id.*

178. Jeffrey Goldberg, *Where the Crawdads Sing Author Wanted for Questioning in Murder*, THE ATLANTIC (July 18, 2022, 6:18 PM), <https://www.theatlantic.com/books/archive/2022/07/where-the-crawdads-sing-delia-mark-owens-zambia-murder/670479/>.

179. *Id.*

180. *Id.*

181. *Id.*

182. *Id.*

183. Goldberg, *supra* note 178.

wounded that I know of thus far, and we are just getting warmed up.”¹⁸⁴ The letter went on to request additional ammo for their antipoaching efforts.¹⁸⁵

Another scout, John Chibeza, reported that Mark Owens placed Christopher in charge of “training” scouts.¹⁸⁶ Christopher was experienced in martial arts and also an avid believer in his father and stepmother’s anti-poaching campaign.¹⁸⁷ Chibeza recalls that Christopher was “a very bad man” who often beat them with sticks.¹⁸⁸ Christopher was allegedly in charge of teaching the scouts to deliver beatings to the poachers, to “teach them a lesson.”¹⁸⁹ The U.S. State Department’s research on Zambia reinforces the idea that violence was customary among law enforcement officers.¹⁹⁰ Thus, it is not surprising that scouts under the Owens’ authority would commit acts of violence against suspected poachers.¹⁹¹ But committing a murder? That is a different story.

In 2010, Goldberg conducted an interview with the ABC cameraman, Chris Everson, who filmed the killing of the alleged poacher.¹⁹² For the first time, Chris Everson described what he saw on that horrific day: “It’s a very complicated story, it was a very emotional thing, it was a very bad thing . . . It’s something that never should have happened.”¹⁹³ Everson went on to tell Goldberg that it was not a scout who shot the alleged poacher, but rather Christopher Owens.¹⁹⁴ Everson recalls the men came across an abandoned poaching camp and waited in ambush.¹⁹⁵ When a suspected poacher entered the area, Chris opened fire, ultimately killing the man.¹⁹⁶

Shortly after this event, people at the Owens’ camp recall strange happenings. Deborah Amos, the on-camera reporter for the Owens’ story, mentioned that she recalled meeting Christopher Owens, but he suddenly disappeared in the days after the murder.¹⁹⁷ After leaving their camp, Andrew

184. *Id.*

185. *Id.*

186. Goldberg, *supra* note 143.

187. *Id.*

188. *Id.*

189. *Id.*

190. *Id.*

191. Goldberg, *supra* note 143.

192. *Id.*

193. *Id.*

194. *Id.*

195. *Id.*

196. Goldberg, *supra* note 143.

197. *Id.*

Tkach confided in her about the filming of the murder.¹⁹⁸ Tkach, however, failed to cite further details, mentioning a confidentiality agreement.¹⁹⁹

The deeper Goldberg investigated, the darker the details surrounding the murder became. After speaking with Zambian Detective Biemba Musole, Goldberg discovered it is believed Mark Owens concealed the body of the murdered poacher.²⁰⁰ According to Musole, Mark Owens and some unknown scouts loaded the body in a cargo net and flew it to a nearby lagoon, where they dropped it in the water.²⁰¹ The Owens' adamantly deny this claim. In an interview with Goldberg, Delia Owens stated that Mark once gave Christopher a ride in the cargo net to view the area from the air.²⁰² She is convinced that the rumors related to the body generated from this event.²⁰³

D. Parallels

While we may never know the truth behind the murder in Zambia, what likely contributes to further suspicion surrounding the Owens' involvement are the eerie parallels in *Where the Crawdad's Sing* and the events in Delia Owens' actual life.

1. Kya's and Owens' Development of Morality

Kya appears to be a mirror image of Delia Owens, and fascinatingly enough, Delia Owens has been very honest in interviews about this. In an interview featured at the end of the novel, Owens stated that "my experiences created Kya."²⁰⁴ Owens' time in the Kalahari and Luangwa is comparable to Kya's isolation and loneliness in the marsh.²⁰⁵ Surrounded by nothing but the wild, both Owens and Kya gain confidence in their self-reliance in nature.²⁰⁶ Perhaps more interesting to consider, is how similarly Owens and Kya abide by the natural law in light of their experiences.

Following the accusations surrounding the murder, many who observed the Owens in Luangwa provided insight into this question.²⁰⁷ While both proponents and critics alike acknowledge that the Owens efforts in Luangwa saved the lives of many elephants, further investigation into these efforts suggest that this success came at a steep price.²⁰⁸ Meredith Vieira, an ABC

198. *Id.*

199. *Id.*

200. *Id.*

201. Goldberg, *supra* note 143.

202. *Id.*

203. *Id.*

204. OWENS, *supra* note 2 at 379.

205. *Id.*

206. *Id.* at 380.

207. Goldberg, *supra* note 143.

208. *Id.*

producer on set with the Owens said, “My memory of them was that they saw themselves as saviors of these animals . . . They were highly emotional about it. The level of caring was very deep, but a corruption of values could come with that.”²⁰⁹ Chief Chifunda, one of the natives whose ancestral territory was located near Luangwa Park, further said of Mark Owens, “The man has an illness. He loves animals more than he loves people.”²¹⁰ Together, these recollections lead one to wonder just how far the Owens would go in furtherance of their “just” cause.

Vieira’s language emphasizing a “corruption of values” draws our attention back to the development of one’s moral compass.²¹¹ Not so subtly, Vieira is suggesting that the Owens were so immersed in their own exacting of justice—stopping the poaching of elephants—that they possibly placed a greater value on this cause than the lives of other humans. Chief Chifunda further chastises the Owens values by directly affirming this observation.²¹² Knowledge of these firsthand accounts of the Owens makes their involvement in the murder of a poacher seem more than plausible, especially after having read *Where the Crawdads Sing*.

Similar to Owens, Kya had a deep appreciation and love for the natural world around her. This appreciation not only shaped her worldview but also influenced her behaviors. In the novel, Kya ultimately took justice into her own hands following an attempted assault.²¹³ Kya achieved justice in the eyes of the natural world by eliminating her “predator” and ensuring her survival.²¹⁴ Ultimately, it is Delia Owens’ powerful writing that illuminates Kya’s achievement of this natural justice. With that in mind, Owens’ characterization of Kya may actually be a mirror into her own inner workings. Owens’ portrayal of natural law as justification for a murder may seem so effortless because it reflects her personal beliefs.

2. Details Surrounding the Murder

Ironically, some strange details surrounding the murder of the poacher in Zambia and the murder of Chase Andrews in *Where the Crawdads Sing* call into question whether the latter is truly a complete work of fiction. While nothing has been proven and Delia is not alleged to have participated in the

209. *Id.*

210. *Id.*

211. *Id.*

212. Goldberg, *supra* note 143.

213. See generally OWENS, *supra* note 2.

214. Khaito, *supra* note 1.

murder, she is definitely wanted for questioning, and many have wondered what knowledge she has of the events.²¹⁵

The first similarity noted between the two murders is the arguably justified reasonings behind them. In *Where the Crawdads Sing*, Kya decides to murder Chase for two possible reasons: revenge or survival.²¹⁶ Similarly, the poacher in the documentary is killed in order to preserve the lives of the elephants in Zambia.²¹⁷ While different opinions undoubtedly exist regarding the morality and “justness” of these murders, one can at least conceive arguments in each case that a greater purpose was served by these deaths.

Additionally, the language present in both the book and the “Turning Point” documentary further support this idea. For example, *Where the Crawdads Sing* opens up with a prologue that states: “On the morning of October 30, 1969, the body of Chase Andrews lay in the swamp, which would have absorbed it silently, routinely. Hiding it for good. A swamp knows all about death, and doesn’t necessarily define it as tragedy, certainly not sin.”²¹⁸ Ironically, following the killing of the poacher, a line in the “Turning Point” documentary reads: “The bodies of the poachers are often left where they fall for the animals to eat Conservation. Morality. Africa.”²¹⁹ In an eerie and unemotional way, both of these quotes acknowledge the natural decomposition of bodies left in both the marsh, or the savanna. Furthermore, in light of their circumstances, they each imply that a moral outcome was achieved.

Finally, one last similarity between Kya and Delia Owens that may lead to suspicion is their reason for writing. At the end of *Where the Crawdads Sing*, Tate learns that Kya doubled as a poet using the alias Amanda Hamilton or A.H.²²⁰ Tate suspects that this writing was “a reaching-out, a way to express her feelings to someone other than gulls.”²²¹ While Amanda Hamilton’s work was regularly published in local newspapers near Barkley Cove, Tate discovers an unpublished poem titled “The Firefly” beneath Kya’s floorboards.²²² To his surprise, this poem unequivocally alludes to the murder of Chase Andrews.²²³

To some readers, this realization came as an utter shock. Others, however, may have picked up the foreshadowing in Kya’s earlier descriptions of her observations of wildlife. Either way, it becomes clear that Kya lived

215. See generally Goldberg, *supra* note 143.

216. See generally OWENS, *supra* note 2.

217. Goldberg *supra* note 143.

218. OWENS, *supra* note 2 at 3.

219. Goldberg, *supra* note 143.

220. OWENS, *supra* note 2 at 366.

221. *Id.* at 366-67.

222. *Id.* at 367.

223. *Id.*

her whole life carrying a dark secret.²²⁴ And ultimately, the only place she revealed this secret was in her writing. Despite Kya's flawed moral compass, one is left to wonder if she wrote this poem to release a guilty conscience.

Obviously, like Kya, Delia Owens is a published author.²²⁵ However, prior to the release of *Where the Crawdads Sing*, Delia Owens exclusively published works of nonfiction or autobiographies.²²⁶ Thus, *Where the Crawdads Sing* was her debut fiction, and the incorporation of poetry made it more unique than her usual writing style. When questioned in an interview about the incorporation of poems into *Where the Crawdads Sing*, Delia Owens stated, "It was great fun to incorporate poetry into the novel."²²⁷ The challenge was to reveal Kya's feelings without giving away the answer to the mystery."²²⁸ This answer, however, begs the question: Does *Where the Crawdads Sing* also reveal Delia Owens' deepest secrets without giving away the answer to the mystery in Zambia?

IV. CONCLUSION

Where the Crawdads Sing by Delia Owens is without a doubt a powerful piece of literature that explores relevant issues in natural versus moral law, rural legal systems, the development of one's morality, and possibly even true crime. In light of challenging circumstances, readers are left to wrestle with their own concepts of morality and justice. Delia Owens' ability to inspire readers to confront and reconcile such contradictory viewpoints allows a rare opportunity for one interested in the law to look past what they are simply told is the "right" outcome and examine the moral and legal framework that lies beneath the surface.

224. *See generally id.*

225. OWENS, *supra* note 2 at "About the Author."

226. *Id.*

227. *Id.* at 381.

228. *Id.*