

GUILTY OR NOT?: PUTTING NORTH CAROLINA ON TRIAL AND READERS IN THE JURY BOX

a review by Jenn Brandt

Megan Goldin. *The Night Swim*.
St. Martin's Press, 2020.

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MEGAN GOLDIN is the author of two previous novels, including *The Escape Room* (St. Martin's Press, 2019), and has worked as a journalist for Reuters, the Associated Press, and other international media outlets. She currently resides in Melbourne, Australia.

Megan Goldin's *The Night Swim* begins with an epigraph from *Tess of the d'Urbervilles*, and like Hardy's tragic masterpiece, places gender, class, and sexual consent at the heart of its intrigue. Set in the present day, the novel tracks two parallel mysteries in the fictional North Carolina coastal town of Neapolis. At the center of it all is journalist Rachel Krall, who uncovers more than she bargained for while reporting on a sexual assault trial for her popular podcast, *Guilty or Not Guilty*.

Rachel travels to Neapolis to follow the trial of Scott Blair, a local college student and Olympic hopeful who has been accused of rape by a high school girl. The upcoming trial, and the media storm it has created, has divided this small North Carolina town, as both Scott and his accuser come from prominent Neapolis families. Upon arriving in town, Rachel begins receiving mysterious letters from a woman named Hannah, who urges Rachel to help her investigate the death of her sister, Jenny, whose murder in Neapolis some twenty-five years prior had been ruled an accidental drowning. Told from both Rachel's perspective in the present day and Hannah's recollections from the past, the novel moves at a fast pace with both narratives complemented by "episodes" of *Guilty or Not Guilty*, which provide further details, context, and commentary on the Scott Blair trial. Local connections – and reputations – run deep in Neapolis, making the Scott Blair

trial especially fraught. Goldin uses the case, and the responses it elicits, to highlight the strong divisions and sexist beliefs that still exist around sexual assault as embodied by the attitudes of the town's residents and audience reaction to Rachel's podcast. *Guilty or Not Guilty* bills itself as "the podcast that puts you in the jury box" (25), and *The Night Swim* attempts to place readers in a similar position as the novel's two mysteries unfold.

While perhaps not quite as tense as Goldin's previous novel, *The Escape Room* (2019), both the Hannah and Rachel chapters of *The Night Swim* quickly draw readers in and manage to work well together, rather than make for a disjointed reading experience. Like many contemporary psychological crime thrillers, *The Night Swim* contains multiple mysteries, issues of morality, and questionable narration (in the case of Hannah). Goldin, a former Reuters and AP journalist, draws on her experiences, as well as from real-world examples, such as the Brock Turner trial,* to lend an authentic feel to the novel. Similarly, playing off the success of *Serial* and other true-crime podcasts, the inclusion of *Guilty or Not Guilty* is an inventive way for Goldin to provide context for some of the novel's broader themes, including objectivity and the media, America's obsession with true crime, victim blaming, and the he said/she said dichotomy of sexual assault trials.

While the first season of *Guilty or Not Guilty* focused on a hus-

band falsely convicted of murdering his wife and the second on a cold-case murder, Rachel decides to deviate from her traditional format for her third season and follow an active trial in real time, arguing that a rape trial is "topical, controversial, and had the potential to spark conversations at water coolers and dinner tables alike" (15). Just as a podcast directly addresses its audience, at times *Guilty or Not Guilty* seems like Goldin's way of directly addressing readers, such as when Rachel tells her audience, "I want to make you think about how rape and the threat of rape affect the lives of women in a hundred different ways" (22) and "When it comes to rape, it seems to me 'if only' is used all the time. Never about the man. Nobody ever says 'if only' he hadn't raped her. It's always about the woman" (24). While the rape trope, in general, is an over-used narrative device, *The Night Swim's* inclusion of the *Guilty or Not Guilty* podcast manages to help avoid a lot of the clichés that befall stories that carelessly use rape to advance the plot, although it should be noted, there are some gratuitous scenes and unrealistic details surrounding sexual assault in other areas of *The Night Swim*.

As the Scott Blair trial progresses throughout the novel, *Guilty or Not Guilty* covers some of the nuances of sexual assault trials, such as the burden of proof and the ethics of cross-examining accusers, especially when one is a minor.

Meanwhile, Rachel gets more and more drawn into Hannah's correspondences and the mystery surrounding Jenny's death, ultimately uncovering shocking connections that have implications for both of the novel's mysteries. *The Night Swim* does a good job of tying up its loose ends by its conclusion, and the trial's verdict seems fitting given the novel's larger aims (although may leave some readers unsatisfied).

Despite being given only one brief mention at the end of the novel, of particular note is the importance of North Carolina as the setting for *The Night Swim*; indeed, during an episode of *Guilty or Not Guilty*, it is mentioned that the Scott Blair "case might not have met the legal definition of rape in North Carolina, which requires threats, such as the use of a deadly weapon, for a sexual assault to be deemed rape" in the state (333). Although it may be easy to overlook a small detail such as this, it speaks to a very large problem with rape laws in the United States, and North Carolina's particularly egregious past with them. In 1993 North

Carolina was the last state to outlaw marital rape (although twelve states still have legal exceptions), and it wasn't until 2019 that North Carolina's Senate Bill 199 passed, closing the loophole that prevented someone from withdrawing consent once sexual intercourse was underway. SB 199 also changed the legal definition of "mentally incapacitated," which previously stated that it was not a crime to have sex with someone who was incapacitated due to their own behavior, such as consuming alcohol or using drugs.

Given this context, North Carolina is an especially fitting backdrop for *The Night Swim*. Just as sins of the past continue to haunt several Neapolis residents, North Carolina's outdated laws serve as a reminder of how far we have – and have not – progressed as a country in our attitudes toward or our protections for sexual assault survivors. Through the fictional trial of Scott Blair and by putting readers in the jury box, *The Night Swim* reminds us that both the court of public opinion and our legal system remain damaged today. ■



RIGHT Governor Roy Cooper signing a package of Senate Bill 199 reforms, Greensboro, NC, 2019

* Brock Turner was convicted for sexually assaulting an unconscious woman at Stanford University in 2015.