



“I hoped to be judged innocent by them”:

Alice Sebold’s *Lucky*, innocence and

narrative judgement

“Esperaba que me declararan inocente”: Lucky, de Alice

Sebold, la inocencia y el juicio narrativo

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Recibido: 06/04/2026

Aceptado: 02/07/2026

RESUMEN

La obra de memorias de Alice Sebold, *Lucky* (1999), constituye uno de los testimonios más conocidos sobre la violencia sexual previos al movimiento #MeToo. El texto arranca con la brutal agresión sufrida por Sebold durante su etapa como estudiante universitaria blanca y expone las repercusiones del suceso, señalando como un punto de inflexión clave su participación en el juicio y la posterior condena de Anthony Broadwater. A pesar de no haber gozado de gran aceptación tras su publicación original, la obra se convirtió en un éxito de ventas a raíz del triunfo de la novela de Sebold *The Lovely Bones* (2002), y en 2019 se encontraba en fase de adaptación cinematográfica. Fue entonces cuando la recepción de la narrativa comenzó a transformarse. Diversos participantes manifestaron su incomodidad respecto a las dinámicas raciales presentes en el filme, que se producía tras la eclosión del movimiento *Black Lives Matter*. La

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Cómo citar este artículo: Serisier, Tanya (2026). “I hoped to be judged innocent by them”: Alice Sebold’s *Lucky*, innocence and narrative judgement. *Atlánticas. Revista Internacional de Estudios Feministas*, 11 (2), 2-31. doi: <https://dx.doi.org/10.17979/arief.2026.11.2.13459>

identidad racial del agresor de Sebold fue modificada para presentarlo como blanco, y la producción cinematográfica se suspendió cuando una investigación arrojó dudas sobre la condena de Broadwater, que fue anulada en 2021. Tras estos acontecimientos, *Lucky* fue retirada del mercado editorial, al tiempo que se anunciaba un largometraje sobre la historia de Broadwater—titulado provisionalmente *Unlucky*—que nunca llegó a realizarse. Si bien las repercusiones de movimientos como #MeToo suelen analizarse en función de las historias que contribuyen a visibilizar, este trabajo se interesa por conceptualizar la desarticulación narrativa de *Lucky* y la creación de un archivo de textos fantasma, en paralelo a la ‘cancelación’ de la propia Sebold. Este enfoque resulta de gran utilidad para examinar las cambiantes relaciones entre las narrativas personales y las políticas culturales de género, raza y justicia en la era post-#MeToo, así como para reflexionar sobre los legados entrelazados y las tensiones existentes entre el fenómeno #MeToo y los movimientos por la justicia racial.

Palabras clave: #MeToo, #BlackLivesMatter, inocencia, cancelación, narratividad

ABSTRACT

Alice Sebold’s memoir, *Lucky* (1999), is one of the most well-known accounts of sexual violence prior to #MeToo. It begins with a vicious attack on Sebold as a young, white college student and speaks of its consequences, making a key turning point for Sebold her participation in the trial and conviction of Anthony Broadwater. Although not popular on original publication, it became a bestseller following the success of Sebold’s 2002 novel, *The Lovely Bones*, and in 2019 it was in the process of adaptation to the big screen. Then, the reception of the narrative began to shift. Various participants expressed discomfort with the racial politics of the film, which was being produced in the aftermath of the Black Lives Matter movement. The racial identity of Sebold’s assailant was rewritten as white, and the film ceased production altogether when an investigation unearthed doubts about the validity of Broadwater’s conviction, which was overturned in 2021. Following this, *Lucky* was also withdrawn from publication while a film about Broadwater’s story—provisionally titled *Unlucky*—was announced, but never made. While we usually think of the legacies of movements like #MeToo in relation to the stories that they help to make tellable, I am interested in how to think about the ‘untelling’ of *Lucky* and the creation of an archive of ghost texts, alongside the ‘cancellation’ of Sebold herself. It is a useful way to consider the shifting relationships between personal narratives and the cultural politics of gender, race and justice in the post #MeToo era, and of thinking about the intertwined legacies and tensions between #MeToo and racial justice movements.

Keywords: #MeToo, #BlackLivesMatter, innocence, cancellation, tellability

1. INTRODUCTION

Alice Sebold’s memoir, *Lucky*, begins with her experience of being raped by a black stranger in 1981, when she was a young, white woman studying at Syracuse University. The title is an ironic reference to the words of a police officer who, on the night she was raped, told her that in the same location, a different girl had been killed: “In comparison, they said, I was lucky” (Sebold, 1999, p. 2). Much of the book describes Alice’s participation in the identification, prosecution, and conviction of a man who Sebold names Gregory Madison, as a key part of her efforts to recover from the experience. Following publication of Sebold’s wildly successful novel *The Lovely Bones* (2002), the memoir also became a bestseller and remains one of the best-known and most widely cited first-person published accounts of sexual violence in the 2000s. Meanwhile, Anthony Broadwater, the actual man convicted of raping Sebold, served sixteen years in prison before he was released in 1999, the same year that her memoir was published¹. Following his release, he remained on the sex offenders register, a legal status that restricted his employment and housing and carried significant legal and social stigma.

In 2010, film-maker Jane Campion began working on an adaptation of the memoir. According to media accounts, however, the film, in which Sebold was not directly involved, encountered numerous difficulties, particularly in scriptwriting and casting. In 2021, Timothy Mucciante, a financier of the film, was terminated after his promised funds failed to appear. Mucciante subsequently hired a private investigator and legal team to first probe into and then challenge Anthony Broadwater’s conviction. In October 2021, a judge overturned it on two grounds. First, forensic evidence in the case relied on a subsequently discredited hair identification procedure. Second – and most importantly for my purposes –

¹ I refer to the author/narrator of these texts as Sebold, and to the protagonist of *Lucky* as Alice where the two can be distinguished. Where I discuss the character Sebold describes as “my rapist” in *Lucky* I use her name for him, Gregory Madison, to distinguish him from Anthony Broadwater, the actual man wrongfully convicted of rape.

the actions of the Prosecution following Sebold's failure to identify Broadwater in a police lineup. Significantly, the narrative told in Sebold's memoir, which appeared to describe unethical conduct such as witness coaching, was a key part of the legal challenge. Following the exoneration, the film adaptation was cancelled and the memoir withdrawn from publication. Sebold issued a short public statement in November 2021 which was widely criticised. Subsequently, she has withdrawn from public life².

In this article I offer a reading of the autobiographical narratives that Sebold produced around these events, including the memoir, the abandoned film adaptation, and the statement issued in the aftermath of Broadwater's exoneration. I bring together feminist work on survivor narratives with feminist abolitionist thinking on guilt and innocence to argue that these stories, and the shifting responses to them, are structured through racialised and carceral narrative logics of innocence. These logics, I suggest, obscure structural harm and violence through a hyper-focus on a binary logic of individualised guilt or innocence (Wang, 2012). Rather than seeking to engage in judgement of Sebold, my primary interest is to view her as a narrator who shifts over time from a successful construction of herself as an innocent subject to one who is rendered guilty and, therefore, disposable.

I begin by discussing how Sebold establishes both Alice and herself as innocent subjects deserving of recognition and belief in *Lucky*. I explore how this logic thereby constructed Madison as irredeemably guilty, enabling a representation of the events surrounding the police lineup as unproblematic. I use this discussion to elaborate my overall framework of the narrative logic of innocence. The second section develops the relationship between gender and race in this

² For factual information about events following the memoir's publication, I rely primarily on a long-form article published in the *New Yorker*, "The Tortured Bond of Alice Sebold and the Man Wrongfully Convicted of Her Rape" (Aviv, 2023). The article includes interviews with Sebold, Broadwater and a number of people involved in the unsuccessful film adaptation.

construction, arguing that the question of racism troubles the narrative logic of innocence to the extent that it makes the film adaptation of *Lucky* unworkable. In both the memoir and film, I suggest, the response to this trouble is found in a "wish for whiteness", a desire for a pure story of gendered innocence that can discount the question of race. Finally, I discuss Sebold's statement following Broadwater's exoneration as an unsuccessful attempt to regain her innocent status. I argue that the construction of her as guilty functions to erase questions of structural violence and broader social responsibility. I conclude by arguing for a challenge to the narrative logics of innocence explored throughout.

2. "I WAS ALSO A GOOD GIRL": NARRATIVE LOGICS OF INNOCENCE IN LUCKY

Chapter 9 of *Lucky* covers the events of November 4, 1981. In the morning of that day, Alice fails to identify Madison in a lineup. In the afternoon, she testifies before the Grand Jury as part of Madison's indictment hearing. The chapter is a key turning point in the text, or, as Sebold puts it: "That day it all got raw" (1999, p. 144)³. Specifically, her testimony before the Grand Jury provides her with a set of revelations about narrating sexual violence:

On television and in the movies, the lawyer often says to the victim before they take the stand, "Just tell the truth". What it was left to me to figure out was that if you do that and nothing else, you lose. So I told them I was stupid, that I shouldn't have walked through the park... And I was so good, so willing to accept blame, that I hoped to be judged innocent by them. (p. 144)

Sebold's revelation that she is being judged as much as, if not more than Madison, reflects key feminist insights about the treatment of women who testify to sexual violence, legally and socially (e.g. Gilmore, 2017; Serisier, 2018). She realises that the narrative she tells and the way she constructs herself are crucial if she wishes

³ All the references to Sebold's *Lucky* have been taken from the Black Bay Books edition listed in the Bibliography. From here onwards, I will cite the book only by page number in order to avoid unnecessary repetitions of names and dates.

to be judged innocent. In this section, I discuss the way Sebold tells the story of Alice's strategic narration in her testimony, arguing that the narrative in *Lucky* engages similarly strategic narrative practices. Sebold recognises that both the courtroom and the marketplace of memoir operate as "jurisdictions" for judging women's testimony of violence (Gilmore, 2017). In both, Sebold must mobilise narrative logics of innocence in order to be judged innocent.

Writing about the Black Lives Matter movement in her article "Against Innocence", abolitionist feminist, Jackie Wang (2012, p. 3) argues that in contemporary US cultural politics, innocence has become a necessary precondition for mobilising social movements and political campaigns. Political appeals are only heard and responded to "when a person meets the standards of authentic victimhood and moral purity" (Wang, 2012, p. 4). It is not enough, as Sebold notes, to tell the truth about injustice or violence. It must be done via demonstrating one's goodness and being judged as innocent. As Wang and other abolitionists argue, to fail to be judged innocent—to "lose", in Sebold's terminology—is to be cast as guilty, as unworthy of empathy or being heard. While Wang's focus is on anti-racist social movements, she notes in passing the resonance of this logic with social responses to rape survivors and their stories (2012, p. 4). Here, I build on this insight to suggest that Wang's concept of innocence can usefully be brought into dialogue with feminist narrative theory around survivor testimony and autobiographical speech to understand how this speech too is shaped by restrictive narrative logics of innocence. In the remainder of this section, I read Sebold as a narrator who is cognizant of the requirement to shape her story in this way, arguing that her ability to do so explains the success of the narrative. Crucially, I end by discussing how the logic of innocence became a form of "narrative glue" that enabled framing of the events around the police lineup as part of a story of gendered justice rather than evidence of racialised injustice (Brooks, 2008, p. 417).

The late 1990s and early 2000s was a period of expansion for memoirs of sexual violence within a more general "memoir boom" (Serisier, 2018; Rak, 2013). However, echoing Wang's analysis of social movements, several critics have argued that the expansion in the number of publications was accompanied by an increasingly restrictive demand for a certain type of story. In her analysis of commercial memoirs of this period, Gilmore (2017, p. 86) describes them as dominated by neoliberal life narratives structured through stories of individualised redemption. These are stories that recast historical and systemic harms as "something an individual alone can, and should, manage through pluck, perseverance and enterprise", in the process refusing ethical claims on either the narrator or reader (Gilmore, 2017, p. 89). For Gilmore, this market functions as "another jurisdiction, or forum of judgement" which deploys many of the same modes of doubting women as the legal arena (2017, p. 77). In other words, the processes of judgement that Sebold recognises in relation to Alice's testimony must also be navigated in the writing and marketing of *Lucky*.

This results in a particular structure for memoirs of sexual violence released in this period. In *Aftermath*, her hybrid rape memoir and philosophical reflection on violence and trauma, Susan Brison describes this standard narrative as a "reverse conversion narrative", in which a "perfectly good life" is torn apart by rape and then slowly pieced back together (2002, p. 110). As Brison notes, the problem with the reverse conversion narrative is not simply its aesthetic limitations, but that it functions to make rape a singularly harmful incident in a life which is otherwise defined as devoid of problems, producing the narratable rape victim as an uncomplicatedly innocent subject. We can see this structure and its consequence in *Lucky*. The memoir begins with her assault by a violent stranger while walking home. It continues with the aftermath, as first other students and then the university, police and local rape crisis centre are made aware of her rape and her "perfectly good life" is irreversibly upended. This opening section concludes: "My life was over; my life had just begun" (p. 33). Most of the rest of the book

covers Sebold's attempts to rebuild her life through continuing her studies, and, most importantly, participating in the police investigation and then arrest, conviction and sentencing of the man she names Gregory Madison. The following chapter, which begins the concluding section, opens: "That summer I began my makeover" (p. 201). This section ends with her leaving Syracuse behind before leading into a short Epilogue which focuses on her journey to becoming an author while living in New York and continuing to deal with the effects of trauma. The reverse conversion narrative, in other words, demonstrates her individual resilience and redemption, culminating in her transformation from Alice the traumatised victim in the isolated tunnel to Sebold the successful author, gestured at in the Epilogue.

The individualising narrative of resilience and redemption that characterises neoliberal life narratives erases and obscures recognition or narration of systemic harms (Gilmore, 2017). It is almost always a story of innocent people harmed by villainous bad actors, so that the state is present primarily as an ally for the oppressed and an avenue for them to seek redress, rather than itself a site of violence that requires political analysis and critique (Wang, 2012). In *Lucky*, Alice literally chooses between alliance with a feminist, structural analysis of her situation, in the form of Tricia from the local rape crisis centre, and the carceral state, identified with Gail Uebelhoer, the prosecutor in her case. In a scene which directly compares the two, Sebold emphasises her rejection of Tricia and the feminist solidarity and critical perspective she represents. She writes: "I now think that what distanced me from Tricia and the Rape Crisis Centre was their use of generalities", and their insistence on seeing her as "one of a group" (p. 133). In her emphasis on the flaws of the criminal justice system, Sebold adds, Tricia "prepared me for failure by saying it would be okay if I failed and "showing me that the odds were against me" (p. 133). In contrast, Uebelhoer is depicted as fully aligned with Alice: "She wanted what I wanted: to win" (p. 134). The distinction here is not that Tricia's assessment of the odds being stacked

against Alice is wrong. Rather, it is that Sebold believes that victory within an unfair system is possible with the right resources and strategies.

Autobiographical narrators are generally cognizant of the criteria by which their narratives will be assessed, and Sebold is no exception. This means that autobiographical narrators will deploy strategies that aid credibility, such as incorporating externally verifiable details or focusing on internal coherence (Smith and Watson 2008, 359). For testimonies of rape within narrative structures of innocence, however, there is far more work required. Banet-Weiser and Higgins (2023, p. 1) describe sexual violence narratives as operating within an unjust "economy of believability" in which subjects must labour to be recognised as truthful and authoritative narrators on their own lives. They argue that subjects must perform narrative labour in inverse proportion to their ownership of subjective resources or social status, defined primarily through factors such as gender, race and class. All these resources can be marshalled in a narrative logic of innocence. Following her Grand Jury testimony, Sebold directly catalogues the resources available to her and the labour that she is required to do: "I was authentic. I had been a virgin... I was also a good girl, and I knew how to dress and what to say to accentuate that" (p 144).

Sebold's account of Alice's testimony in the actual trial portrays a similar awareness of the resources and labour required to "win" by being "judged innocent". Helen Benedict (1992) famously argued that media accounts of rape victims distinguish between a small number of exceptional *virgins* who deserve sympathy and whose assaults must be met with retribution and *vamps*, the majority of victims who are classified as guilty and blamed for the violence committed against them. In the trial, Alice mobilises her literal virginity in order to be classed as innocent and deserving of sympathy: "I was aware my loss that night was my gain today. Having been a virgin made me look good, made the crime appear worse" (p. 151). This resource is accompanied by significant labour,

as Alice constructs a performative version of herself as “an eighteen-year-old virgin coed”, even dressing in “red, white and blue”, linking her innocence to national tropes of the all-American girl (p. 172). While this work of self-construction is a key feature of autobiographical narration generally, the stakes are particularly high in relation to sexual violence (Eakin, 1999). Her success, and the significance of it for her, is evident even before the outcome of the trial. At the conclusion of her testimony, that court bailiff tells her: “I’ve been in this business for thirty years... You are the best rape witness I’ve ever seen on the stand”, a comment, Sebold says, that she “would hold onto for years” (p. 198). Broadwater’s conviction then acts as a further resource available to Sebold in her memoir. She has been effectively authorised as an innocent truth-teller by the criminal justice process she documents.

Within the narrative framework of innocence, the alternative is to be judged as guilty, disposable and unworthy (Wang, 2012). For every virgin who is complimented on her testimony there are many vamps who are disbelieved and refused a hearing. In earning belief and respect, Alice is exceptional, the rare figure of innocence who deserves the full support of the state. This dichotomy is illustrated later in the book when Alice’s best friend, Lila, is also raped. Unlike Alice, Lila is not a virgin or able to adopt a neoliberal life narrative that fulfils the demands of innocence. This produces such a division between them that their friendship becomes untenable. Sebold documents her increasing frustration with Lila’s inability to successfully do the work of establishing herself as an innocent victim, and believes that Lila finds Alice’s success amplifies her failure. Reflecting on Lila’s termination of the friendship, Sebold writes: “Lila didn’t know what to do with me around. There was Alice her friend, and Alice the successful rape victim. She needed one without the other, but that was impossible” (p. 217).

The primary dichotomy produced by the narrative logic of innocence is, however, Alice’s alignment with the state against Gregory Madison. The logic of

innocence is a zero-sum game in which for her to be innocent he must be rendered a pure figure of criminality. In other words, for Sebold and the prosecutor to achieve their shared goal of "winning", Madison must lose. Even her self-fashioning into a figure of all-American virgin innocence is framed through this contest. Immediately prior to describing herself as "an eighteen-year-old virgin coed", she writes, "I liked to think I was Madison's worst nightmare" (p. 172). Madison is rendered purely criminal, and therefore someone who simply cannot be heard or empathised with. Conversely, as a figure of innocence, Sebold also portrays herself as allied completely with the State (Wang, 2012, p. 16). And it is the state that authorises her innocence and Madison's guilt so that readers of *Lucky* are aware that this dichotomous judgement has already occurred.

This reading helps to understand the representation of Alice's failure to identify Madison in the lineup, and why it did to register as a problem for readers. Discussing narratives and legal judgement, Peter Brooks (2008, p. 217) writes that the facts are frequently less important than the "narrative glue" which shapes and gives meaning to them, and this is crucial here. The dichotomy of Sebold's innocence and Madison's guilt forms that glue in *Lucky*, shaping the representation throughout. In her depiction of the lineup, where she is understandably frightened by the potential proximity of the man who raped her, Sebold describes being frazzled by the defense attorney, who refuses to let Tricia from the Rape Crisis Centre accompany her. When she comes to consider the five men before her, she is unable to distinguish definitively between numbers four and five, ultimately choosing five because

[h]is build was right, his height. And he was looking at me, looking right at me, as if he knew I was there. Knew who I was. The expression in his eyes told me that if we were alone, if there were no wall between us, he would call be my name and then kill me. His eyes gripped on and controlled. (p. 137)

Her confusion quickly solidifies into a certainty that the two men "looked like

identical twins” (p. 139), an interpretation that is solidified by the prosecutor describing the lineup as a deliberate act of deception: “He and his attorney worked to make sure you’d never have a chance” (p. 140). She tells Alice that Madison (number four) had requested a friend (number five) be part of the lineup because they’re “dead ringers”:

His friend gives you a look that’s scary. He can tell when you’re standing in front of the mirror and he psyches you out. Meanwhile, the suspect looks down like he doesn’t even know where or why he’s there. Like he got lost on the way to the circus. (p. 141)

Sebold summarises the misidentification: “I had chosen the man who scared me most, the one who had been looking at me. I felt I had just caught on – too late – to a trick” (p. 139).

These statements, as recounted in the memoir would play a key role in Broadwater’s exoneration (Aviv, 2023). However, within the memoir, the lesson, in the words of the prosecutor, is that “rights are weighted on the side of the defendant” (p. 140). Her perception of unfairness motivates her to perform what she calls the best show of her life at the Grand Jury later in the day. As she describes it: “That day it all got raw. If Madison stood next to his friend and played a game of eyes to psyche me out, then I would give it right back to him” (p. 144). In other words, within the narrative logic or “glue” of the memoir, far from producing doubt, the lineup is further evidence of Madison’s irredeemable guilt. Here too we see that what reads as a criticism of the criminal justice system remains in alignment with that system, inferring it is the constraints on police and prosecutors and protections for the defense that are the problem.

While there would be some suggestion following Broadwater’s exoneration that Sebold had minimised the problems with the case, this passage on the lineup is, if anything, highlighted as a key moment. Readers were even asked to consider the lineup explicitly in a set of questions for reading groups included at the end of the text in a supplementary ‘Reading Group Guide’ section. The thirteen

questions include questions on Sebold's clothing and virginity, as well as one question on race. Question 9 explicitly addresses the lineup: "Discuss Alice's failure to identify Gregory Madison in the police lineup. Does it seem fair to you that he was able to enlist a lookalike friend to frighten and intimidate Alice? Is it fair that, as Alice's lawyer puts it, 'Rights are weighted on the side of the defendant'?" (p. 272). Significantly, this is the only leading "yes/no" question which infers an answer, and it is the only question which refers to the concept of fairness, presuming the truth of the statement that defendants have excessive rights. The general acceptance of this by readers can also be explained by the narrative logic which frames Madison as a guilty criminal and therefore disposable. Speaking as a reader, Tobias Wolff, a writing teacher of Sebold's who commented on a draft manuscript of *Lucky*, reflects on his own failure to register a problem: "The idea that he was the wrong guy didn't enter my mind, so I didn't give a shit about his point of view" (Aviv, 2023, n.p.). It was only during the process of adapting the memoir to film, and a greater attentiveness to race and the failings of the criminal justice process, that this perspective began to shift, as I explore in the following section.

3. WISHING FOR WHITENESS: WHITE GENDERED INNOCENCE AND THE DISAVOWAL OF RACE

The film adaptation of *Lucky* was officially cancelled in 2021 after Broadwater's exoneration. However, the exoneration itself was, to a significant extent, caused by difficulties with the adaptation in relation to scripting and casting. These centred on the racialised politics of criminal justice, highlighted in the 2010s by repeated rounds of Black Lives Matter protests. According to Timothy Mucciante, the financier who paid for the case to be reinvestigated, it was as much the problems with the script and casting as his termination that led to his doubt in Broadwater's conviction (Frei, 2021). In this section I consider how the narrative of frame of innocence interacts with questions of gendered and racial

justice. The issue of race, and especially racism, is a recurrent problem for the memoir's narrative, and becomes irresolvable in the adaptation, leading the filmmakers to attempt to remove race from the story by making the character of the rapist white. Ultimately, I suggest that the question of race disrupts the gendered narrative of innocence, revealing its reliance on a racial politics of whiteness.

Race, like gender, is essential to understanding the story told in *Lucky*. It is a narrative of inter-racial rape by a black man against a young white woman in a social context in which what Angela Davis (1983) famously describes as the *myth of the black rapist* is an incredibly powerful trope. In these cases, white women are frequently presumed innocent and their assailants guilty, in a reversal of the general presumptions that shape responses to women's testimony about rape. Sebold's own performance at trial evokes longstanding tropes of white innocence through references to virginity making the violated white women's body a symbol of the nation, "dressed in red, white and blue" (p. 172), that Davis argues are central to the racial construction of rape.

Sebold's narration, however, is marked by a disavowal of race, even as it surfaces repeatedly in the narrative. Instead, she seeks to structure her story through a narrative of *gender universality* where gender is the sole or primary axis for understanding sexual violence and race is reduced to, at best, a secondary status (Serisier, 2018, p. 9). Where this universality supports and enables the narrative of innocence, race – and particularly the spectre of racism – complicate it. In the narrative, it is other people who seek to make this a story of race, or even to name race in the narrative, a naming that is often left uncommented on by Sebold herself.

This pattern begins with the man who rapes her. In her description of the attack, Sebold focuses primarily and understandably on her own feelings of violation,

fear and degradation, and it is a powerful evocation of the harm and trauma of sexual violence. In this account, she offers no direct physical description of her assailant, focusing instead on his actions and the dialogue between them. The only racial reference at this point is his comment, after he forces her to take off her bra: "Nice white titties". For her, the comment is part of her experience of violent dispossession as he "claimed ownership" of her body (p. 8). His race is confirmed later in an interaction with Victor, her friend Diane's boyfriend. After describing him as, among other things, "handsome and athletic and very, very quiet", Sebold writes: "Victor was black" (p. 24). Victor is only the second character to be given a racial identifier, after the Resident Advisor, who is described as a "small, studious, Arab man" (p. 15), inferring that the other characters, friends and acquaintances in the dorm, are white. Victor and Diane have been "up all night, waiting for me to come home". Told that Victor wants to hug her, Sebold understands this as connected to his shared racial identity with the rapist: "This was too much. He was not my rapist, I knew that." But when she says, "I don't think I can" he replies, "He was black, wasn't he?" before saying "I'm so sorry" while crying (p. 24). They do then hug, and Sebold reflects:

He was miserable, and I cannot even now imagine what was going on inside his head. Perhaps he already knew that both relatives and strangers would say things to me like "I bet he was black," and so he wanted to give me something to counter this, some experience in the same twenty-four hours that would make me resist placing people in categories and aiming at them my full-on hate. (p. 25)

This description of his thoughts about race, however, is followed immediately by a pivot to Sebold's experience constructed through gender: "It was my first hug from a man after the rape – black or white" (p. 25). The section then moves immediately to note that the hug has an audience, with Sebold realising that this feeling of being constantly watched would come to define her experience.

The concern that Sebold attributes to Victor about the spreading of responsibility from a specific perpetrator of violence to black men generally makes sense within the racial logics that Davis' (1983) critiques. The theme of the interchangeability

of black men recurs within the story, and not only in the description of Madison and the other man in the lineup as identical twins. In one of the few instances where Sebold directly names race – the scene in which she comes across Gregory Madison while out in the city – begins with her noticing “a black man talking to a shady-looking white guy”. Even though she could only see him from the back she “went through my checklist: right height, right build, something in his posture, talking to a shady guy. Cross the street!” (p. 102). After the two men are gone, she decides that it “had just been a more intense version of the fear I had felt around certain black men ever since the rape”. Immediately afterward: “as if out of nowhere, I saw my rapist crossing toward me” (p. 103). Madison’s immediate actions, described by Sebold as “smirking”, waving and directly addressing her, lead to her certainty that this time she has in fact identified the correct man.

Later that day, Alice and her friend, Ken, are taken on a search in a police car. The officer is agitated and tells them that his own niece was raped and is now “ruined” (p. 108). He stops and points out three black students, who he describes as “trouble-makers” after Alice tells him that they do not resemble the man who raped her. He chases them with his billy club. While waiting for the officer to return, she writes: “Someone was being beaten, I knew that as surely as I knew anything”. Her response to this is a feeling of impotence: “I was in the center of it all and simultaneously I realized I didn’t exist” (p. 109). She then asserts that this impotence is not denial: “I did not overlook what happened”, but contextualising it within a sense that “*everything*” was wrong (p. 110; emphasis in original). *Everything* is delineated through a list that includes her rape, her preferential treatment to most victims, the rape of the officer’s niece, him calling her ruined, and the actions of the police officer against “three innocent young black men” (p. 110). She describes herself as part of this wrongness in a way that is sharply delineated from Ken’s straightforward fear and outrage: “That officer lived on my planet. I fit into his world in the way I never again would fit into

Ken's" (p. 110). The outcome of the incident is that she ceases contact with Ken, shutting him off. After declaring this, the narrative again moves on, switching to the practicalities of mug shots and identification, with Madison identified as the subject on the following page (p. 111).

Prior to the trial, the prosecutor tells her that, following her failure to directly identify Madison that "the defense was building a case based on misidentification. A panicked white girl saw a black man on the street. He spoke familiarly to her and in her mind, she connected this to her rape" (p. 147). Here, again, it is the defence who speaks about race, while Sebold and the Prosecution seek to tell a story of racially unmarked, but implicitly white, gendered innocence. The passivity of the police car now becomes, however, associated with clearly named bad feelings, and even guilt. Sebold primarily recounts her testimony through reflections on her own agency and even power, as described in the previous section. However, during her cross-examination the defence attorney asks Alice how many black people she can see in the courtroom. After she acknowledges there is only Madison, Sebold writes: "I wasn't feeling powerful anymore. I was guilty for the race of my rapist, guilty for the lack of representation of them in the legal profession in the City of Syracuse, guilty that he was only black man in the room" (p. 195). Later, the attorney asks about how many young black men Sebold interacts with daily. She notes: "The whole thing made me uncomfortable, separating the students I knew by their race" before continuing that "this wouldn't be the first time, or the last, that I wished my rapist had been white" (p. 198). This wishful thinking mirrors the futile affect in relation to the police officer's racism. However, the moment is quickly left behind as the cross examination ends and Sebold is buoyed by the compliment of the bailiff.

Sebold also does, at least in the narrative, manage to partially fulfil her wish. While Madison does not become white, with his conviction, he is removed from the story, and race ceases to play a disruptive role in the narrative of gendered

innocence and overcoming. As described in *The New Yorker*, this gendered narrative was the original expectation of the film. The scriptwriter, Karen Moncrieff, for example, expressed her enthusiasm for the project in an email accepting the job: “There really has not been a film that deals with the true experience of a rape survivor in a way that’s honest, raw, unflinching and humane and isn’t engineered to titillate on some level”. Her original script included details such as a “celebratory whoop” from Sebold when Madison was convicted. However, she told *The New Yorker* that since first reading the book “something had shifted in my awareness” and she began to struggle with the neat and “traditional” story arc: “Sebold became a hero fighting for justice against an evil, unknowable stranger, who would pay for what he had done to her, with little consideration of the violence or fallibility of that form of payment” (Aviv, 2023, n.p.). In other words, as a reader and rewriter, Moncrieff experienced a disjuncture between the “normative presumptions” of the text and her own understanding of the world (Nünning, 2008, p. 95). As a result, she found the framing unconvincing and struggled to produce a script.

This can be attributed at least partly to shifting media orientations to the violence and fallibility of the criminal justice system. While neoliberal life narratives remain a core part of memoir markets, media depictions of criminal justice had, like Moncrieff’s awareness, shifted. Sebold’s memoir was published in the same year that *Law & Order SVU* (NBC, 1999-present) premiered. This hugely popular series exemplifies a carceral feminist popular culture, telling stories in which the alignment of innocent survivors and the flawed by necessary criminal justice system is largely presumed (Ouellette, 2023). The 2010s, however, were not only marked by the emergence of public discussions around structural racism prompted by Black Lives Matter, but by the popularity of New True Crime, a genre which encourages the audience to ask sceptical questions about the criminal justice system, questioning its authority as an absolute arbiter of truth (Horeck, 2019). Sebold’s authorisation by this system had become less

compelling, and the discrepancies in the identification, prosecution and conviction of Madison gained more prominence.

Karen Moncrieff's doubts came to a head during the process of casting the role of Madison. She describes being ashamed of watching footage of interchangeable black bodies act out raping a white woman. When she did offer the role to a young actor, he deliberated for a week before seeing footage of Black Lives Matter protests on television and deciding that the film would not be of service to people who looked like him. After he refused the part, Moncrieff also decided she could not move forward. She wrote in an email to the producer: "That it is true doesn't make it The Truth" (Aviv, 2023, n.p.). This was the point at which race, and the spectre of racism, disrupted the tellability of the story. Moncrieff submitted a revised version of the script, which was accepted. When the film that went into production, the role of the rapist was rewritten as white.

The filmmakers' fulfilment of Sebold's wish for whiteness speaks in part to changing norms around the representation of gender, race and the criminal justice system. But also to the persistent ways in which race, and particularly the question of racism, disrupted the narrative logic of gendered innocence. The innocent victim of rape relies on a gendered and racial politics of being a virgin and not a vamp. Her innocent femininity establishes the perpetrator's guilt and violence. But the spectre of institutional racism threatens the alignment of the victim and the State as defenders of innocence. To wish for whiteness then is to wish for a story of white gendered innocence, where sexual violence is the result of individual criminality and does not intersect with other vectors of power.

This is a key manifestation of the narrative logic of innocence as an enactment of a white imaginary, including white feminist imaginaries (Wang, 2012). The white woman accusing the white man remains the central heroic figure of mainstream feminist fantasies of sexual violence. If rape is about gender, then to be on the

side of survivors is to be on the side of the weak and marginalised, and there is no need for guilt. To tell this as a story which is also about race questions this presumption of innocence, particularly in an era in which social movements have forced some recognition of the structural racism of criminal justice systems and the mythic structures of black criminality. In highlighting structural power dynamics, it disrupts the simple binary of individual guilt and innocence.

4. JUDGING ALICE: SEBOLD'S FAILURE TO REGAIN INNOCENCE

As we now know, there was to be further disruption in the film, and also in the overall story. When Broadwater was exonerated, it became clear that the story told in *Lucky* was not the Truth in any straightforward way. Its relationship to true events outside the book was fundamentally flawed and it could not be accepted as a factually reliable account. In this section I focus on the judgements levelled against Sebold following the exoneration, and her attempt at a redemption narrative (Gilmore, 2017) in the form of a short statement released on the website Medium (Sebold, 2021). Both Sebold's statement and responses to it, I propose, remained governed by the narrative structures and logics of innocence in a way that, ultimately, precluded thinking about the structural violence at the heart of this story, rendering Sebold a guilty and, therefore, disposable subject. I finish by arguing for a reading that refuses this erasure and contests the simple reversal of disposability.

Judgements of autobiographical narratives are always simultaneously a judgement of the person telling their story (Trinch, 2003). In accepting the story as true, the audience is evaluating both veracity, or relationship to facts, and sincerity, or the reliability of someone to tell the story of their own life. Conversely, to doubt the story is to deny the truth of the narrator's construction of her story and herself within it. It is in this sense that, as Gilmore writes, memoir itself functions as a "jurisdiction" or site of judgement, particularly for

marginalised subjects and for women who speak of sexual violence (2017, p. 77). As noted above, Sebold wrote her memoir, which focuses largely on the courts, as a narrator whose version of the story had already been authorised by law. Once this story was dismissed in a legal context and Broadwater had his innocence returned to him, the court's judgement of Sebold's testimony travelled to the public jurisdiction of memoir, where the judgement of the story as untrue stuck to Sebold as a judgement of guilt.

Much of the coverage of the exoneration focused on Sebold and her responsibility for Broadwater's suffering. This line in *The Daily Mail* is typically tabloid in tone but captures the emphasis of much of the coverage: "She made millions off the story while he lived in windowless squalor" (Smith, 2021, n.p.). In this and other coverage, the binary of individual guilt and innocence remained intact, but Sebold and Broadwater swapped places. Where her innocence had guaranteed the guilt of Gregory Madison, Broadwater's innocence now acted as evidence of her guilt. Broadwater became, in fact, precisely the type of figure of black innocence victimised by racism that Wang (2012) analyses as central to contemporary politics around race and racism. Where racism directed against a possibly guilty man had disrupted these narrative logics in *Lucky*, this story of a wronged, innocent black man could be framed within this binary. Sebold's narrative resources were stripped from her, and her labour to present herself as innocent became suspect. The memoir which had previously been read as a heroic victim speaking the truth of sexual violence became evidence of Sebold as an unscrupulous gold-digger profiteering off human misery.

Shortly after the exoneration, Sebold posted a statement on *Medium*, which she also sent to Broadwater through his lawyers (Aviv, 2023). The text deploys a variety of different narrative modes. It begins with an apology: "First, I want to say that I am truly sorry to Anthony Broadwater, and I deeply regret what you have been through" (Sebold, 2021, n.p.). However, as critical readers at the time

noted, in its public release as “A Statement from Alice Sebold” it was not only or even primarily an apology. It is also an attempt at self-exoneration, or what Gilmore describes as a “redemption narrative” (2017, p. 91). Redemption narratives can function as classic neoliberal life narratives, narrating stories of structural injustice as individual redemption and overcoming. But they can also be used to salvage or reclaim a status of innocence where an author has been discredited or found wanting. The strategies for redemption are, however, markedly different in the latter case, and for Sebold, ultimately unsuccessful.

In the statement of less than four hundred words, *sorry* appears four times. However, each time the apology is deployed in the passive voice, as in: “I will forever be sorry for what was done to him” (Sebold, 2021, n.p.). This was the feature most criticised in responses to the piece, with the feminist online publication *Bitch Media* describing the apology as an “infuriating failure” because of Sebold’s refusal to accept responsibility (Dione, 2021, n.p.). Where Sebold’s language in the memoir described her active participation in the criminal justice system, her determination to win and her self-construction as Madison’s worst nightmare, here it is markedly different. Even where the statement does reflect her agency, it distances her activity from the outcome for Broadwater: “I will remain sorry for the rest of my life that while pursuing justice through the legal system, my own misfortune resulted in Mr. Broadwater’s unfair conviction” (Sebold, 2021, n.p.). For her, then, the path to forestalling judgement has shifted markedly. Where previously she emphasised her own resilience and overcoming, now she seeks to remove herself from a story in which she is cast as the villain.

This lack of agency is even more pronounced in relation to race and structural injustice. Here, Sebold denies even the possibility of agency through a claim to absolute innocence:

Today, American society is starting to acknowledge and address the systemic

issues in our judicial system that too often means that justice for some comes at the expense of others. Unfortunately, this was not a debate, or a conversation, or even a whisper when I reported my rape in 1981. (2021, n.p.)

While she does not directly name race here, it seems clear that she is referring to shifts brought on by Black Lives Matter and other social movements, supported by shifts in media I mention above. However, while the change in public consciousness that she points to is real, there were whispers about race and criminal justice in the 1980s, including in relation to sexual violence Angela Davis’s classic essay “Rape, Racism and the Myth of the Black Rapist” (1983), with its documenting of the racist stereotyping of black men as sexually violent predators was, for example, published in the early 1980s. It discusses infamous cases such as the murder of Emmett Till and the wrongful conviction of the Scottsboro Boys, which were widely known even at that time. More significantly, however, race was more than “a whisper” in Sebold’s own case. It was at the core of the defence’s strategy as Sebold understood it, and the racial politics of the case made her so uncomfortable that she describes wishing her rapist was white, as commented above. Her claim to ignorance is both a strategic disavowal of knowledge and a continuation of the wish to have access to a pure story of gender violence where race does not have to be addressed.

In the context of the exoneration, Sebold’s statement was a largely unsuccessful attempt at redemption. It remained the case that Broadwater’s innocence made her guilty. Within this logic, her statement, with its perceived refusal of responsibility, only exacerbated this judgement. Like *The Daily Mail*, the conservative publication *UnHerd* went beyond its headline description of the apology as “empty”. Its subheading, “I’ve never believed a word she’s written” cast her as a liar, and a picture of Sebold was captioned “Did she care who she stamped on in her pursuit of fame?” (Hensher, 2021, n.p.). These publications cast Sebold in the role of the false accuser, a longstanding trope of the figure of the woman who lies about rape for her own benefit (Larcombe, 2002). This

remains a spectre in legal and social imaginaries around women's speech, and it is a central justification for the ongoing suspicion directed against them. She is not only a vamp and a liar, but powerfully manipulative; the ultimate figure of the guilty woman, and she fits perfectly within the narrative logics of guilt and innocence.

One of the primary features of this figure is to individualise questions of injustice, removing the role of structures and the criminal justice system entirely. If there is injustice in the system it comes because women lie, and the only flaw of the criminal justice complex or of society more broadly is in granting them credence. The extent to which this framing dominated coverage of this case can be seen in an interview with the financier Timothy Mucciante on British television network Channel 4. Mucciante is asked who is more to blame, she, the author who did not go rigorously enough through her own conscience, or the criminal justice system who allowed her to make those mistakes. To this, Mucciante replies: "I think they share the blame. It's not all on Alice" (Frei, 2021, n.p.). Even as Mucciante denies that Alice is entirely responsible, the possible role of the criminal justice system is in allowing a victim to make mistakes. In this way, the legal judgement which rested on the prosecutor's behaviour at trial has travelled into the public sphere as a judgement which rests almost entirely on Sebold.

We also see this logic in attempts to understand why the problems in the story were largely unseen for so long. James Brown, the producer of *Lucky*, tells the *New Yorker* that he thinks Mucciante became suspicious of the story because of his own capacity for "conning people". He reflects that, in contrast, "normal people who are equipped to feel empathy" read the first chapter about Alice's rape—the most unimaginable horror you could possibly imagine—and become so fully on Alice's side that you don't pay attention to detail" (Aviv, 2023, n.p.). As Larcombe (2002) has written, the trope that women's speech about rape is so powerful that it exerts an almost hypnotic hold on juries, judges, and the public,

is a key part of the myth of the false accuser and becomes a reason to be suspicious of women's speech about rape. It renders wider narrative logics – and reader's participation within them – invisible, and it ignores the fact that legal and social audiences find it extremely easy to hear rape narratives without becoming fully on the side of victims or survivors. It is the expectation of being judged as guilty that leads survivors like Alice to attempt to shape their speech to fit the expectations and demands of the jurisdictions of law and testimony. Placing such an emphasis on the singular agency of the women who speaks about rape shifts easily therefore into the erasure of structural violence and the participation of readers and audiences in the elicitation and response to narratives.

The figure of the false accuser can be understood within the panoply of rape myths, and as part of the tainting that accompanies women who speak about violence (Gilmore, 2017). However, in the case of white women accusing black men, particularly in the US, the history of violent legal and extra-legal responses to white women's allegations of sexual violence, including some demonstrably false, is such that "the white woman's 'word' [has] remained a sword of Damocles over all black people" (McKay, 1991, p. 253). This history, always more than a whisper, has consistently troubled this story. Nevertheless, it is important to refute Sebold's claim to a white ignorance as innocence without the simple reversal of allocating her sole responsibility for racial injustice. To push McKay's metaphor, focusing solely on the sword removes Damocles from the picture. It means ignoring the police officers, the prosecutor, the trial judge, and even the wider social attitudes pointed to in *Lucky*. These are not only all real; they are what gives the words of white women accusing black men such power.

The false accuser trope also presumes that the Sebold is a liar, or a deceptive narrator rather than a deficient or mistaken narrator (Phelan, 2011). As Freeman and Le Rossignol argue, in autobiographical narratives it is important to question

any automatic link between unreliability and deception, “which suggests deliberate invention” (2015, p. 8). Instead, we can think about the fallibility and deficiency of accounts, where deficiency can consist of misevaluating, misinterpreting, and misreporting (Phelan, 2017). While this can of course be deliberate, it can also be inadvertent and based on mistaken ideas, while the narrator maintains sincerity. As Lopate puts it, we can recognise that even when autobiographical accounts have flaws, narrators may still be “sincerely trying to level with us” (2013, p. 12). There is no real reason to doubt this with Sebold in relation to *Lucky*. She told the story sincerely from her own perspective, including details that would later undermine the credibility of the legal outcome, and she was telling a story that had been authorised as true by the legal system. At the point of writing *Lucky*, she knew that Alice’s testimony would be believed and Madison would be found guilty, thereby judging her innocent. She was not in a position to know that this situation could be reversed.

When it comes to narratives of rape, women are frequently held to other standards of judgement, and they are rarely granted the position of a deficient narrator. Instead, they are either exceptionally innocent—a virgin—or, if this position fails, a guilty and disposable subject. Responses to Sebold following the exoneration remained as enmeshed within this logic as her own redemptive narratives. There are, as I have discussed, ethical failings in the statement which readers recognised. As a redemptive narrative of self-exoneration, much of it that “solicits self-forgiveness rather than wider insight” (Freeman & Le Rossignol, 2015, p. 9). Elements of the statement, however, articulate undeniable truths about her position. She is neither wrong nor erasing her own responsibility when she says that she was a traumatized eighteen-year-old rape victim who chose to put her faith in the American legal system. There is agency and responsibility in this choice, but it is highly constrained. As she writes, she can “struggle” and “grapple” with “the role that I unwittingly played” in Broadwater’s conviction while still recognising that it was the “system that sent an innocent man to jail”

so that "he became another young Black man brutalized by our flawed legal system" (Sebold, 2021, n.p.). The multiple structural violences at play here do not originate with Sebold, and to react as though they do remains within the same narrative logics of innocence.

My argument is that this is not a scandal of a deceptive autobiographical writer, but rather one whose story shifted from being understood as a quest for justice in the aftermath of rape to a story of racialised injustice. Sebold has exercised her narrative agency in ways that are open to ethical and political critique, but she has done so within a neoliberal market and autobiographical "jurisdiction" which, as Gilmore argues, only allows a "narrow gate" for stories to be told, heard, and responded to with empathy (2017, p. 102). To refuse to see Sebold as entirely innocent or guilty is to acknowledge that both she and Broadwater are victims of structural violence, and this acknowledgement should not be contingent on either proving their innocence. Rather than solely judging Alice, we might open the possibility of critiquing the way that both the jurisdictions of criminal justice and neoliberal memoir markets shape the possibility of narrating injustice and structural harm. We might then ask how we elicit narrative practices oriented towards justice rather than binary judgements of guilt and innocence.

5. CONCLUSION

In 2003, the feminist abolitionist group Incite! released a "Community Accountability Document". Within it, they discussed the tendency for systemic critique to translate into critique of survivors themselves (Incite!, 2003). They wrote that when we see a survivor turning to the institutional violence of the police and other parts of the criminal justice system, the questions we ask should not be about the choices and motives of that individual survivor. Rather, a more productive set of questions would ask why so many survivors see that as their

only option and how we might provide other, safer, and less violent options. In this paper I attempt a similar orientation, seeking to ask questions that disrupt rather than reproduce narrative structures of innocence. My goal here has not been to condemn or exonerate Sebold, but instead to interrogate how the jurisdictions of criminal justice and memoir both demand and produce binary narrative structures of innocence and guilt where, as Wang (2012) argues, being able to tell a story of innocence becomes a pre-condition for having one's story, and one's claims, recognised and heard. I have suggested that the complicated and difficult case of Lucky and the real-world events that it recount offer a useful opportunity for doing this.

I suggest throughout that the different modes of autobiographic narration here, including the memoir, its unsuccessful film adaptation and the statement issued following Broadwater's exoneration, as well as the responses to them, can be productively analysed through attention to a gendered and racialised narrative logic of innocence. The analysis shows how subjects may occupy different positions within the binary of the innocent victim and the guilty, disposable villain, without shifting the fundamental terms of the narrative structure. Rather than, for instance, asking questions about the racialised disposability of Gregory Madison as an archetype of black criminality, Broadwater's exoneration demonstrates that he is not Madison, and that his innocence and suffering allow a story of racial injustice to be told that situates him within this logic. In contrast, Sebold has moved from the position of innocent virginal victim to villainous false accuser. It is, I suggest, not necessary to reframe her as completely innocent to recognise that she too is a victim of multiple forms of violence, or to retain empathy for Alice as an eighteen-year-old victim of rape and for the multiple impacts that this violence, and its wrongful prosecution, have had on Sebold's life.

Writing about the stories that have been enabled in the aftermath of #MeToo,

Banet-Weiser and Higgins offer a compelling reading of futility as a dominant theme. They suggest that rather than "asking whether women's labors for belief must always be necessarily futile," there are more generative questions to ask around structural transformation of the conditions of possibility for narrative and its reception (2023, p. 204). I suggest here that part of this structural transformation must be contesting and confronting narrative structures of innocence, including the ways in which they determine how survivor narratives are told and received within a neoliberal life narrative market that also functions as a forum of judgement. There is an urgent need for narrative practices, and importantly, markets and audiences, that can tell and hear stories of structural harm and violence without reproducing the narrative logics of individualised innocence, guilt and disposability.

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