

National Affairs by Claire Hoy ? Trial outcome should be celebrated

After the not-guilty verdict in the highly-publicized Jian Ghomenshi sexual assault trial, one of the predictable protesters stood outside the court brandishing a placard declaring: ?RAPE Myths have no place in the court.?

Apparently, in her eyes ? and obviously in the eyes of many radical feminists ? myths do indeed have a place in the court. Their myths, that is.

To begin with, the former CBC star wasn't accused of rape, so the protesters, if they cared at all about justice being done, might want to stop saying his acquittal after a full and obviously fair trial is not part of the mythical ?rape culture? we hear so much about.

For another thing, this absurd notion that women never lie about such things ? something even Hillary Clinton said she believes (except, of course, when the accusations are against her husband Bill, at which point she smears the accusers) ? is another one of the feminist myths that have become popular in current culture.

And we saw in the Ghomenshi trial itself the so-called ?victims? did not tell the full story to police or prosecutors and, in some cases, told outright fibs about what really happened. Ghomenshi may indeed be a creep, as most people seem to believe, but that doesn't make him a criminal. If it did, our jails would be more crowded than they already are.

While it's not easy to determine exactly how many false accusations are made, a definitive study recently put the number at 10 per cent in Canada. Since the result of an accusation ? let alone a conviction ? is often extremely serious (Ghomenshi, for example, saw his entire career ruined) ? the idea that some of these people have is that, since the man is obviously guilty ? being a man and all ? the courts should dispense with the trial and head directly to sentencing.

Another popular myth espoused by those who claim to seek justice but instead are after revenge against men is that even when a charge gets to court the men usually get off. Actually, they don't. Statistics Canada reports that for the year 2013-14 ? the latest statistics available ? only 269 out of 1,357 cases of sexual assault resulting in a judicial decision were found not guilty. That's a pretty high rate of conviction, whatever your personal view on the issue may be.

Another false notion being fostered by activists after the Ghomenshi trial ? often by people in important public positions who know better but are more interested in pursuing their political agenda than in arriving at the truth ? is that women who accuse a man of sexual assault must be absolutely accurate in their recall of every last detail. If not, the man will walk.

Well, anybody who followed this trial ? and it seems that just about everybody did ? will know that the three women involved were not tripped up over minor details. The courts know ? as anybody who thinks about it would ? that a woman surviving a traumatic event is highly unlikely to recall every minute detail after the fact. But that's not what happened here. These witnesses, as Judge William B. Horkins found, hurt themselves by their ?inconsistencies, questionable behavior . . . (and) outright deception.?

As a result, he found it impossible to ?have sufficient faith in the reliability or sincerity of these complainants. At the end of the trial, a reasonable doubt exists because it is impossible to determine, with any degree of certainty or comfort, what is true and what is false.?

Among those who were upset by the verdict, as she told the Toronto Star, was Meghan Ferguson, who works for the labor ministry's Workplace Harassment Action Plan Program, and said calling the women deceptive ?went a little too far.? Really? They were deceptive ? and worse ? and the fact somebody in her position isn't willing to countenance such behavior in the sisterhood, doesn't bode well for fairness. She even wondered if the case would ?set back people who would report workplace sexual harassment.?

In expressing that view, she is far from alone. A poll after the trial showed that the large majority of people ? especially women ? believed that justice was not done. After all, the man got off. (Then again, unlike the accusers, he didn't get off at all. As mentioned earlier, his career is in tatters. He faces another trial in June, but even if that ends well for him, he's toast.)

The trial also has been used as a platform for those activists who are demanding a special court for sexual assault. They know ? as we all do ? that a special court means filling it with like-minded activists who would worry less about proof beyond a reasonable doubt and more about seeking revenge against the dreaded patriarchal society.

If the Ghomenshi trial proved anything, it's that even in the face of unrelenting political badgering from activists and high-ranking government and civic officials alike, a fair trial ensued and the evidence showed extraordinary doubt about the charges.

We should celebrate and not condemn a fair and impartial outcome.

