

Trial By Jury Or Trial By Twitter?

By **Alexander Baron** - Dec 8, 2015



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Last month, a porn star was accused of raping another porn star; now, other women have come forward making similar allegations against James Deen. Shocking isn't it? And he was convicted of these offences in which court – the court of public opinion, where else? The first allegation was made by **a woman named Stoya**, on Twitter. Leaving aside the fact that Twitter has been around less than ten years, at one time no mainstream media would have reported on such an allegation. Why not? Because of the law of defamation, and because at one time there were gatekeepers. Although there has been a tabloid press since the Nineteenth Century, no journalist and certainly no editor worthy of the name would have even considered branding a man a rapist on the strength of idle gossip, or an outburst from an angry, and possibly deranged, woman.

The correct place to make an allegation of rape is to the legal authorities, usually the police. If a woman isn't prepared to make such an allegation in said manner, for whatever reason, she should keep her mouth shut and get



James Deen

on with her life, whether or not she really has been raped. One YouTuber has gone so far as to suggest that any allegation of rape or sexual assault that is reported to the media first (including social media) is fake and should be ignored. Why?

Because unlike in a court of law, there are no rules of evidence or procedure, and no penalties not even in theory for those who make gratuitously false allegations. The law of defamation is now dead in all but name; how can even the rich and powerful prevent the dissemination of grotesque lies by anonymous individuals? When one allegation is made against especially a celebrity or some sort of public figure, more will often follow. This does not mean that any of them including the first one has any credibility. The proof of this pudding is in the eating. Let's not talk about rape for the moment, let's talk about 9/11.

The perceived and undoubtedly the correct wisdom is that this was carried out by nineteen angry young males from beyond American shores who were assisted with finance and in other ways by like-minded individuals, some of whom had deep pockets. In spite of the way the Bush Administration attempted to cover up or even distort the reasons they hated America, this claim will stand the test of time. If though you visit especially social media you will find all manner of individuals who are alleged to have assisted the terrorists in some way, including George Bush himself.

You will find ridiculous claims such as the passport of one of the hijackers that was found on a New York street must have been planted, because it could not possibly have survived when the plane hit the Twin Towers. Other ludicrous claims are that there was no plane wreckage found at the Pentagon, and that Building 7 was brought down **by a controlled explosion** rather than by fires that burned uncontrolled for seven hours after it had already been damaged by debris. You will also find claims that – get this – no planes hit the Twin Towers, it was all a hologram display, or something.

Most of the claims made about James Deen, **Bill Cosby** and others who have been, are being and will be accused of serious felonies are nowhere near as ridiculous as this, so may sound very plausible. It certainly sounded plausible when a white homosexual

accused Barack Obama of performing sex acts on him and snorting cocaine. Larry Sinclair even held a press conference at a prestigious Washington club where he aired these claims. Of course, if there had been a nanogramme of truth in them, the Republicans *and* Hillary Clinton would have made heavy capital out of them, and Obama would never have even run for President.

Similar and at times even more scurrilous allegations have been made against many other politicians, including Bill Clinton. If a fraction of the claims made against particularly our leaders were true, half of them would be in gaol. This is the court of public opinion at work, a court in which everybody has an opinion about everybody else and everything else, where all opinions have equal weight, and where hearsay, gossip or even outright lunacy are paraded as Gospel truth.

In English courtrooms, judges are already warning juries not to research the backgrounds to the cases they try themselves, and to judge them only on the evidence they hear in the courtroom. This is because most jurors do not have the resources to sort cyber-fantasy from fact. In 2001, it was reported that Britney Spears had been killed in a car crash. Miss Spears was neither the first nor the last celebrity to have been reported dead prematurely. The fact that she is not dead is clear to us now, but had she been less well known and reported to have been murdered by the man in the dock, a jury might well be persuaded that if he had murdered her, he must have murdered the business partner for whose murder he was currently being tried.

Such is the power of social media that like Bill Cosby, James Deen is unlikely to ever totally shrug off the stigma of being branded a rapist, whether or not he is ever charged with a crime, or even if all his accusers recant. Trial by jury is a very inadequate institution, as the **OJ Simpson trial** proved, but bad as it is, it is infinitely better than trial by social media. Remember that next time you read something outrageous about a celebrity or politician on Facebook or Twitter.

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