

Rape suspects deserve a fairer deal, says peer

<https://www.thetimes.co.uk/article/rape-suspects-deserve-a-fairer-deal-says-peer-5pvs9nd7p>

Lucy Bannerman

February 13 2018, 12:01am, The Times



Baroness Wolf of Dulwich is surprised at the belief that women never lie
TIMES PHOTOGRAPHER JACK HILL

It is better for society that a few guilty men walk free than innocent men are imprisoned for rapes or sexual assaults they have not committed, says Baroness Wolf of Dulwich, an economist, author and university professor.

Public pressure to punish every sexual predator would risk more miscarriages of justice, she said. “I do feel strongly that it’s better that people who are guilty walk free than innocent people are imprisoned and have their whole lives ruined,” she said. “That doesn’t mean you don’t put a huge amount of effort into trying to find out what happened. It certainly doesn’t mean you go back to a world where you don’t take allegations seriously. But there is a huge world of difference between taking allegations seriously and taking the position that any allegation is true till proven otherwise, and that distinction seems so fundamental.”

Every rape and serious sexual assault case is being reviewed by the Crown Prosecution Service after four trials collapsed over failures to disclose evidence. Police and prosecutors are trying to avoid cases such as that of Liam Allan, 22, who spent almost two years on bail and was on trial for rape before police handed over text messages that exonerated him.

Lady Wolf, a professor of public sector management at King’s College London and an expert in women’s roles in the labour market, said that suffragettes would have been “horrified” to see the identities of men, who were later cleared, revealed in court, adding that it was not unsisterly to accept that some women lied. “One of the things that seems to me very strange is the belief that

women never lie,” she said. “I find it really hard to understand how people can believe that. If you read about the terrible history of pre-civil rights in America, they are full of instances in which young black men were lynched on the testimony of white women, which, looking back, we can see was very clearly malicious.

“If we accept, as almost everybody would, that women can lie in those circumstances, why in the year 2018, when we know far more about false memory, emotions and the way people operate when they’re under stress, would some vocal feminists suddenly convince themselves that women don’t lie or at the very least, give a partial picture? I think most of the suffragettes would be horrified by this. What’s interesting about them is how very constitutionally minded many of them were.”

Research shows that false allegations of rape are rare and conviction rates for lying are low. That did not mean, she said, that anonymous “victims” who falsely accused men of rape should not feel the full force of the law if there was evidence they were acting maliciously. “It’s no different from accusing your female next-door neighbour of setting fire to your fence when you did it yourself to steal the insurance.”

Campaigners say that publicising the name of a suspect is crucial to encourage victims of a serial offender to come forward, but Lady Wolf called for the anonymity of alleged rapists to be protected until conviction.

“People are innocent until they are proven guilty,” she said. “They are being accused of a particular crime and if you don’t have evidence for that particular crime . . . you can’t say, ‘Oh well, they’re guilty, because someone else thinks they might be guilty of something else’.”

She cautioned against trial by social media in the age of the #MeToo movement, and compared public shaming — no matter how noble the cause — to Stalinist denunciations and the Spanish Inquisition. “I do feel incredibly strongly is that if you don’t have the rule of law, you have nothing,” she said.

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Matt Griffiths Feb 14, 2018

Agree entirely - except for 2 points.

1. The number of false allegations is unknown,
 1. because they are almost never prosecuted and
 2. because we don’t know how many ‘successful’ prosecutions led to the conviction of innocent people.

Nobody can seriously imagine that no innocent people have been convicted - those who didn’t have a last-minute discovery of mobile phone messages which could prove their innocence, for example. Unfortunately juries are just as susceptible to the ‘guilty until proven innocent’ thinking as anyone else.

2. The ‘setting fire to your neighbour’s fence’ analogy works on a culpability level, but not on an effect on the accused level. People accused of fence burning do not receive the vilification and total wrecking of their career and life that those accused of sexual crimes do.

Otherwise, a fine article speaking a great deal of common sense.

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Jack Jones Feb 14, 2018

"Research shows that false allegations of rape are rare".

-

No it doesn't. I have searched repeatedly for this 'research' and all you find is statements to that effect backed up by nothing. And how would researchers know more than juries anyway?

-

The 'research' I've seen is simply low conviction rates for false allegations. So if you don't prosecute people for perjury, you then have 'evidence' it doesn't happen. Really?

-

The collapse of so many trials for failure to disclose evidence exonerating the accused, however, suggests false accusations are far more common than we're constantly told. In every one of these cases reported lately, the accuser has clearly lied. Not one has been charged, let alone been convicted, of anything.

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PB Joyce Feb 14, 2018

@Jack Jones Correct. Here are the CPS criteria for charging false rape accusers. They provide an almost universal "get out of jail free" card: <https://www.cps.gov.uk/legal-guidance/guidance-charging-perverting-course-justice-and-wasting-police-time-cases-involving>

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Allison Laird Feb 13, 2018

Well spoken, Baroness Wolf!!!! It's high time the focus is turned on the women who make the false allegations in the first place. They should be prosecuted and stripped of anonymity. As for 'Research shows that false allegations of rape are rare' how would you know? Based on the numbers of collapsed cases I'd say it was fairly high. And if you're doing a survey of women who've lied their heads off about making false rape allegations, they'll lie about that too.

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MJJ Feb 13, 2018

The obsession today that feminazis have to make us believe that all rapes are equal surely contributes to the problem. How can any sane person think that someone changing their mind about sex mid thrust should be treated in the same way, with the same sentence, as a brutal assault by a stranger?

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PB Joyce Feb 13, 2018

@MJJ A valid and important point, MJJ. One consequence of this change of definition is that it's no longer reasonable to claim that rape is necessarily a terrible crime that destroys a victim's life. If I learn that someone is a convicted rapist, I am now forced to ask, "What kind?" rather than express immediate revulsion.

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Deziree Wilson Feb 13, 2018

I agree entirely with Baroness Wolf.

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RT2 Feb 13, 2018

Hooray for some common sense, Baroness Wolf!

As for the reporter's claim that "research shows that false allegations of rape are rare", well, how on earth do they know?

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Rob Feb 13, 2018

@RT2 Exactly. Who in this day and age actually gets prosecuted for perverting the course of justice? So how do we even know what the exact figures for false allegations actually are?

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MJJ Feb 13, 2018

In fact all, or certainly most allegations of "date rape" could be false. Who can know? Why get into bed with someone if you don't intend to have sex?

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Rob Feb 13, 2018

Someone offer the Baroness the DPP job. Hopefully it should be available very soon.

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Mimir Feb 13, 2018

Baroness Wolf of Commonsense?

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PB Joyce Feb 13, 2018

The number of false rape accusations is unknowable, so who can say it is rare?

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Families Need Fathers Feb 13, 2018

"...why in the year 2018, when we know far more about false memory, emotions and the way people operate when they're under stress, would some vocal feminists suddenly convince themselves that women don't lie or at the very least, give a partial picture?"

Considerable stress and emotions ride high in almost every family break-up. Is it a surprise then that Sir James Munby, the President of the Family Division, said **"One of the greatest vices of the system... is the unfounded allegation [of violence/abuse] which festers around and poisons the process"**. The result does not always leave a parent (usually the father) on prolonged probation (though it does sometimes). Neither does it result in public character assassination, though it does often result in exactly that amongst circles of family and friends. However, it does inordinately delay arrangements for children to maintain relationships with loved parents and makes it possible for the accuser to use the delay poison the child against them.

Meanwhile, the allegation itself may be used as a gateway to Legal Aid which is available to the accuser, but bizarrely not the accused. And then, if the police (if they are involved) or the family court determines that the allegations were unfounded or malicious, well, the Legal Aid does not have to be paid back. The other side's costs don't have to be paid either. Very rarely is anyone found in contempt of court. Nor do the police prosecute for making false statements, wasting police time or perverting the course of justice. Above all, the delays in the system and involvement of children in the dispute means that the damage done to the child-parent relationship is often severe or irreparable.

So Baroness Wolf is right, women (and men) can lie. False allegations of rape are relatively rare. Other false allegations are not, certainly not in family disputes, but their damage can be every bit as devastating. So these too require some consequence if such abuses are not to continue. The accused must be believed as much as the accuser at least until facts determine who the real victim is.

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Jack Jones Feb 14, 2018

How do you know false allegations of rape are rare? I'm not contradicting you but I have failed to find any evidence of this despite extensive searching. What evidence have you found to back up that view? I'd appreciate it if you could post a link.

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RecommendReply

Jay Lacey Feb 13, 2018

"If you read about the terrible history of pre-civil rights in America, they are full of instances in which young black men were lynched on the testimony of white women, which, looking back, we can see was very clearly malicious"

This cannot be overstated.

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Did You Ring Sir Feb 13, 2018

Talking of which - why is Saunders still in post ? The Oxfam executive wasn't nearly as involved in wrongdoing on her patch - and certainly didn't push policies that caused them - nearly as much as Saunders was on hers.

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Newminster Feb 13, 2018

It's not the predators that are the problem. Where a woman has been attacked and raped there is no doubt that a crime has been committed; the problem becomes trying to track him down before he sets off on a spree.

The cases that have been in the news recently are either the borderline "semi-consensual" ones where the sex was consensual up to the point where the woman decided it wasn't or the man had every reason to believe it was and the "change her mind in the morning" or even revenge ones.

In the latter two cases no offence has been committed; in the former two there seems to be some scope for counselling for both parties with men needing to learn how to read the signals and women needing to learn they are not sending out the wrong ones. Unfortunately in the present climate it appears to be quite acceptable for a woman to send out any signal she likes that suggests she is available and if the encounter comes to a bad end then it was never her fault.

The argument that the accused should be named because it might encourage other complainants to come forward is relevant only where it can be proved that a rape actually occurred and there is reason to believe "the attacker may strike again". I think Wolf is right that the suffragettes would be horrified to see the "androphobia" (hatred of men — no, I can't find it in Chambers either! Maybe I just made it up) that is being practised partly in their name. And they would never have supported the "thumb on the scales of justice" that their grand-daughters happily use to further the cause.

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Wyn Ford Feb 13, 2018

@Newminster How can an 'accused' be named '*only where it can be proved that a rape actually occurred.*'? Isn't that what the trial is supposed be for?

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Deziree Wilson Feb 13, 2018

@Newminster: Misandry?

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Jonathan Gumery Feb 13, 2018

Watch this women get demonised in the Guardian tomorrow.

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Matt Feb 13, 2018

@Jonathan Gumery

Somebody will definitely call her pro-rape, if they haven't already.

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CeeDee Feb 13, 2018

@Matt @Jonathan Gumery As basically happened when Lindsey Kushner, a retiring judge with much experience of such cases, made a sensible comment and was immediately castigated by Police Commissioner Vera Baird, an ex-MP with no experience of judging rape cases: "*A female judge who told women they were at greater risk of being raped if they got drunk has been accused of victim-blaming by a police commissioner.*

During her sentencing of a rapist in Manchester, Lindsey Kushner said there was "absolutely no excuse" for sex attacks, but that men gravitated towards vulnerable women. In her final case before retiring, the judge said women were entitled to "drink themselves into the ground", but their disinhibited behaviour could put them in danger and they were less likely to be believed than a sober victim.

The Northumbria police and crime commissioner, Dame Vera Baird, said the comments were "victim-blaming" and would stop victims coming forward."

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SS Feb 13, 2018

What a very sensible lady.

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M76 Feb 13, 2018

The most balanced treatment of this issue I have seen recently. Anonymity for both Complainant and Suspect is called for although it's unlikely to happen in the current climate.

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Wyn Ford Feb 13, 2018

Yes, anonymity until conviction: that would be fair. The often used argument that naming the accused 'encourages others to come forward' is absurd prejudice. The appeal is sometimes used, even by police who should know better, as a call for 'victims.' The reality is that this is often an incitement to fantasists, the malign and compensation-seekers to jump on the bandwagon. Whatever the drawbacks, it must be for individuals to make their own decisions to come forward and make complaints, without the attendant publicity that is unfair to the accused and can greatly complicate legal proceedings.

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J Feb 13, 2018

The Baroness is completely right.

If names are disclosed, trial -lynching- by social media is unavoidable. Therefore, names should not be disclosed, at least until the case is decided by the Court.

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B Marchant Feb 13, 2018

Police eventually turned over text messages which were able to free a wrongly jailed man? Very shoddy police work and those involved with keeping justice from Mr. Allan should lose their jobs. Also, anyone who falsely accuses another should go to jail themselves.

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24RecommendReply

Jack Jones Feb 14, 2018

Or were they actually doing the jobs they'd been INSTRUCTED to do quite well? Is it shoddy work, or a cynical effort to reach certain conviction targets without undue concern for the truth?

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G W F Hegel Feb 13, 2018

This is, of course, very welcome, but it should really be Theresa 'this is what a feminist looks like' May saying this, so that the whole Government changes direction from its present path of misandry.

I also take issue with the assertion that 'false allegations of rape are rare'. My own research would indicate a figure of at least 20%. Also there is compelling evidence that almost all false rape claims are malicious, with varying motives. See William Collins' article 'Rape - Part 2 (Case Histories of False Allegations) under 'Reasons for False Allegations'. You will also note, that, the 146 cases (most between 2013 and 2017) which Collins investigated involved 16 deaths. 12 of these were the suicide of the wrongly accused, one was the suicide of the alleged false accuser, one was a homicide due to vigilante action, one was the suicide of the falsely accused's mother, and one was the death in prison of an innocent man.

See http://mra-uk.co.uk/?p=2176#_Toc504898469

A list of the disadvantages faced by men and boys generally is at http://mra-uk.co.uk/?page_id=22

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HazeR Feb 13, 2018

In the furore about an innocent man being wrongly accused of rape, we seem to have forgotten about the number of potentially guilty men who are not reported, let alone go to court.

I am however supportive of the ideas that all names should be kept secret until the trial is over and any accuser, who can be proved to have lied, should be prosecuted.

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Mark Eltringham Feb 13, 2018

@HazeR It's not a zero sum game.

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5RecommendReply

j turner Feb 13, 2018

@HazeR Of course, but the point is that the rule of law must apply to everyone and that due process must take place and that everyone is innocent until proven by evidence - not allegation - to be guilty or not. Presently we have loud mouthed media present feminists claiming all men are evil and being believed. What the baroness says is sensible, at last. Pity those in charge of the country tend to be

influenced by "public opinion" - although their public comes from a minority of privileged women in the media and arts and bears no representation to what normal people think. The principle of innocent until PROVEN guilty is currently being undermined and people are being jailed based on lies.

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Matt Feb 13, 2018

@j turner @HazeR

When in my early 20's my friend was told by his mum that he shouldn't have rough sex on a one night stand incase the girl got bruised and cried rape the next morning.

That really isn't the sort of advice that should have to be given out.

Flag

RecommendReply

HazeR Feb 13, 2018

@j turner @HazeR I agree with you. My concern is that a lot of the rhetoric has been concentrating on "innocent men" and "lying women", whereas the other major issue, of rapists going unpunished, appears not to bother the commentators on here to the same extent.

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2RecommendReply

Simon Andrews Feb 13, 2018

@HazeR @j turner They are two different things. No one has said that the guilty should not be punished, merely that the innocent should not be unfairly punished in the process.

Unless you take the view that you would happily see an innocent man in prison, his life ruined, to ensure the prosecution of the guilty, your point is irrelevant in the context of this story.

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CeeDee Feb 13, 2018

@HazeR @j turner You have no idea of how bothered commenters here are of unpunished rapists, we are discussing Baroness Wolf's argument about there being "a huge world of difference between taking allegations seriously and taking the position that any allegation is true till proven otherwise."

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Jack Jones Feb 14, 2018

You're serious? You think that's been 'forgotten'? Have you never listened to Women's Hour, read a women's publication, or looked at the Guardian, Independent or any other left wing publication? Did you follow any of the BBCs coverage of the recent disclosure scandal? Plenty of comment on guilty men going free there, even though the topic was the danger of convicting the innocent.

-

I really don't think you have anything to worry about - there seems to be FAR more media, judicial and political concern over guilty men going free than innocent men going to jail.

-

And after all, the head of the dept of public prosecution herself is far more concerned with putting the guilty in jail than avoiding wrongful convictions. In fact she's said she doesn't believe there have been ANY wrongful convictions, despite the recent disclosure revelations, and despite the fact she can't possibly know! So the boss of the DPP herself is very much on your side here!

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thebeancounter Feb 13, 2018

Finally, some sense emerges. Well said, Baroness.

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peter sitch Feb 13, 2018

@thebeancounter Gordon Bennett!! I am so sick and tired of the constant litany 'I am a victim you must believe me' oh! and where is the compensation from public funds. Me, me, me, me the police now have terrible track record on pursuing fantasy cases they must stop and take stock

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26RecommendReply

Mizula Montana Feb 13, 2018

I remember reading a thread a couple of years ago. An extreme feminist was on it and someone asked if it had come to the point where sex and consent should be covered by a contract. Her reply was that while there were some merits to that idea and it was a step in the right direction it wouldn't cover cases where the lady withdraws consent.

Demolition Man sex scene:

<https://youtu.be/k80UQWWUIYs>

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Jack Jones Feb 14, 2018

Well it wouldn't, would it?

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Mizula Montana Feb 14, 2018

No it wouldn't, I suppose. In any case, contracts etc are an extreme direction, aren't they?

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