

The ouster of New York Review of Books editor Ian Buruma: The #MeToo movement assaults free speech

By David Walsh
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In an extraordinary act of political censorship, *New York Review of Books* editor Ian Buruma was forced out this week after he published an article by Jian Ghomeshi, the former Canadian Broadcasting Corporation (CBC) radio broadcaster accused of sexual misconduct in 2014. The appearance of the Ghomeshi essay provoked a storm of outrage on social media from #MeToo circles, including demands for Buruma's ouster.

Buruma, 66, a Dutch-born writer and historian, told a Dutch magazine Thursday, according to the *Toronto Star*, that it was "rather ironic: as editor of *The New York Review of Books* I published a theme issue about #MeToo-offenders who had not been convicted in a court of law but by social media. And now I myself am publicly pilloried." He further commented, "I have now myself been convicted on Twitter, without any due process."

Buruma explained that he had not been fired but felt forced to resign "after it became clear that university publishers who advertise in the *Review of Books* were threatening a boycott." (*Toronto Star*)

On the one hand, the pressure exerted on Buruma reveals the intensely repressive and authoritarian character of the #MeToo sexual witch-hunters and, on the other, their sensitivity to criticism and determination to stamp it out. The movement has galvanized the affluent middle class but is increasingly regarded by considerable portions of the population either with indifference or as nothing more than a cynical grab for money and privilege.

The hysteria generated by the appearance of two essays, Ghomeshi's *Reflections from a Hashtag* and *Exile* (in *Harper's Magazine*) by John Hockenberry, the former New York Public Radio host accused of sexual harassment in December 2017, reveals considerable nervousness that the "free-fire zone" in which unsubstantiated and often anonymous allegations are allowed to destroy lives and careers may be in trouble. There are signs of questioning and even conscious opposition to this anti-democratic crusade within artistic and intellectual circles.

A musician and writer born to Iranian parents, Ghomeshi hosted the cultural affairs program *Q*, which became the highest rated show in its timeslot in CBC history, from 2007 to 2014. He was fired after becoming the subject of allegations of sexual harassment. He was eventually arrested and charged with four counts of sexual assault and one count of overcoming resistance by choking.

Ghomeshi's arrest and trial were treated with great fanfare by the Canadian and international media. In October 2015, at the time of Ghomeshi's arraignment, for example, the *Globe and Mail* referred to the "Disgraced former broadcaster" and cited prominently the comments of a lawyer for actress Lucy DeCoutere, one of the women involved in the case: "While this case works its way through the justice system, countless assault survivors are privately reclaiming agency over their lives, telling their stories, and finally beginning to trust that people will believe them."

In response to the current furor over Ghomeshi's *New York Review of Books* article and Buruma's firing, various hostile commentators have referred to the outcome of Ghomeshi's trial, acquittal on all charges, as though it were a travesty of justice or simply the unfortunate result of evidence insufficient to convict him.

Laila Lalami in the *Los Angeles Times*, for example, describes Ghomeshi as "the Canadian broadcaster who was credibly accused of choking and punching non-consenting women during sexual encounters." At *Slate*, Marissa Martinelli refers to Ghomeshi's acquittal "on criminal charges in 2016 over insufficient evidence and witness testimony that a judge deemed unreliable."

It is worth considering what the trial *actually* demonstrated about the validity of the charges and the "reliability" of the witnesses. In his March 2016 ruling, Justice William B. Horkins of the Ontario Court of Justice meticulously evaluated the testimony of the three complainants, the aforementioned Lucy DeCoutere and two individuals identified only by their initials, L. R. and S. D.

L. R., a server, accused Ghomeshi of sexually assaulting her on two different occasions, in December 2002 and January 2003. On the first occasion, she said that Ghomeshi had grabbed her by her hair and yanked it, "really, really hard." Despite this painful experience, she went out with him again and eventually back to his home, where L. R. alleged he "punched her in the head several times and pulled her to her knees."

Horkins notes that "over a decade later, Mr. Ghomeshi was fired from the CBC and the 'Ghomeshi Scandal' broke in the media. L. R. came forward publicly with her complaint." Indeed, L. R. spoke to the media three times before she went to the police. Her statements to the media, the police and at trial, involved, in Horkins' phrase, an "evolving set of facts," i.e., the details about the two alleged incidents kept shifting. During the trial, furthermore, she introduced the claim that Ghomeshi had smashed her head against the window of the car, before withdrawing it under cross-examination.

Most damningly, the Justice writes, "L. R. was firm in her evidence that following the second incident she chose never to have any further contact with Mr. Ghomeshi. She testified that every time she heard Mr. Ghomeshi on TV or radio, she had to turn it off. ... L. R.'s evidence in this regard is irreconcilable with subsequently proven facts."

"She sent a flirtatious email to Mr. Ghomeshi a year later," Horkins explains. "In her email, L. R. calls Mr. Ghomeshi 'Play-boy'; a reference to his show [at the time Ghomeshi hosted a television series named *Play*]. She refers, oddly, to him ploughing snow, naked. She says it was 'good to see you again.' She is either watching him, or watching his show. 'Your show is still great,' she writes. She invites him to review a video she made and provides a hot link embedded into the body of the message. L. R. provides him with her email address and phone number so he can

reply.”

The ruling goes on: “Six months later, L. R. sent another email to Mr. Ghomeshi. In it she said, ‘Hi Jian, I’ve been watching you ...’ (here expressly referencing another TV show), ‘hope all is well.’ She attached to this email a picture entitled ‘beach1.jpg’, which is a picture of her, reclined on a sandy beach, wearing a red string bikini. This is not an email that she could have simply forgotten about. It reveals conduct completely inconsistent with her assertion that the mere thought of Mr. Ghomeshi traumatized her.”

In the dry, understated manner of such legal documents, Horkins observes: “The negative impact that this after-the-fact conduct has on L. R.’s credibility is surpassed by the fact that she never disclosed any of this to the police or to the Crown [prosecution].”

Lucy DeCoutere, for her part, claimed she was choked and assaulted in 2003. She also came forward with her allegations in 2014. The actress charged that while she was at his house, Ghomeshi “put his hand onto her throat and pushed her forcefully to the wall, choking her and slapping her in the face.” As in the case of L. R., but even more tellingly, revelations about a continuing relationship with Ghomeshi following the alleged assault undermined DeCoutere’s testimony.

First, “Lucy DeCoutere swore to the police that after the alleged assault in 2003 she only saw Mr. Ghomeshi ‘in passing.’ Nonetheless, “It became clear at trial that Ms. DeCoutere very deliberately chose not to be completely honest with the police. Her statement to the police was what initiated these proceedings. ... It was given under oath, an oath to tell the truth, the whole truth and nothing but the truth, not a selective version of the truth. Despite this formal caution and oath, Ms. DeCoutere proceeded to consciously suppress relevant and material information.”

Horkins points out, “On the evening of the second day of trial and just before Ms. DeCoutere was set to testify, her lawyer approached Crown counsel with a question. If there was more to the post-assault relationship between Ms. DeCoutere and Mr. Ghomeshi than what had already been disclosed, would the Crown be interested in knowing about it? I can only imagine Crown counsel’s reaction.”

It turned out, first of all, that DeCoutere had sent flowers to Ghomeshi days after the alleged assault. The judge notes, “Within days of when she says she was choked by Mr. Ghomeshi, she sent him flowers to thank him for being such a good host. Sending thank you flowers to the man who had just choked you, may seem like odd behaviour.”

Not only that, within 24 hours of the alleged incident, DeCoutere had sent this email message: “Getting to know you is literally changing my mind, in a good way. You challenge me and point to stuff that has not been pulled out in a very long time. I can tell you about that sometime and everything about our friendship so far will make sense. You kicked my ass last night and that makes me want to fuck your brains out, tonight.”

Various subsequent dates and encounters between DeCoutere and Ghomeshi, all of which had been concealed, also emerged. Following one of these encounters, in Banff, Alberta, “Ms. DeCoutere sent Mr. Ghomeshi a photograph of their Banff Springs ‘Hit Me Baby One More Time’ karaoke performance with the caption ‘proof that you can’t live without me.’”

“In advance of going to Banff, Ms. DeCoutere emailed Mr. Ghomeshi and told him that she wanted to ‘play’ with him when they were in Banff. She suggested that maybe they would have a ‘chance encounter in the broom closet.’” When he proved non-committal, “Ms. DeCoutere emailed back to Mr. Ghomeshi saying she was going to ‘beat the crap’ out of him if they didn’t hang out together in Banff and that she would like to ‘tap [him] on the shoulder for breakfast.’”

Horkins then remarks on “the manner in which Ms. DeCoutere embraced and cultivated her role as an advocate for the cause of victims of sexual violence.” He goes on: “On December 9, 2014, she told S. D., that she, Ms. DeCoutere, the professional actor, was excited for the trial

because it was going to be ‘...theatre at its best.’ ‘...Dude, with my background I literally feel like I was prepped to take this on, no shit.’ ‘...This trial does not freak me out. I invite the media shit.’

“Ms. DeCoutere engaged the services of a publicist for her involvement in this case. She gave 19 media interviews and received massive attention for her role in this case. Hashtag ‘ibelievelucy’ became very popular on Twitter and she was very excited when the actor Mia Farrow tweeted support and joined what Ms. DeCoutere referred to as the ‘team.’”

The ruling continues, in her email correspondence “Ms. DeCoutere expressed strong animosity towards Mr. Ghomeshi. She said she wanted to see that Mr. Ghomeshi was ‘fucking decimated’ and stated, ‘the guy’s a shit show, time to flush’; and then very bluntly just, ‘Fuck Ghomeshi.’”

The case of S. D. herself presents similarities. She alleged in 2014 that some time in the summer of 2003, while they were kissing on a park bench, Ghomeshi squeezed her neck “forcefully enough to cause discomfort and interfere with her ability to breathe.”

Proof of collusion between DeCoutere and S. D. emerged at the trial. “S. D. said that her decision to come forward was inspired by others coming forward in 2014. She consumed the media reports and spoke to others for about six weeks after the ‘Ghomeshi Scandal’ broke in the media. Although she initially testified that she and Ms. DeCoutere never discussed the details of her experience prior to her police interview, in cross-examination she admitted that in fact she had.”

In fact, extraordinarily, “The extreme dedication to bringing down Mr. Ghomeshi is evidenced vividly in the email correspondence between S. D. and Ms. DeCoutere. Between October 29, 2014 and September 2015, S. D. and Ms. DeCoutere exchanged approximately 5,000 messages. ... Ms. DeCoutere and S. D. considered themselves to be a ‘team’ and the goal was to bring down Mr. Ghomeshi.” [Emphasis added]

The ruling goes on to explain, DeCoutere and S. D. “described their partnership as being ‘insta sisters.’ They shared a publicist. They initially shared the same lawyer. They spoke of together building a ‘Jenga Tower’ against Mr. Ghomeshi. They expressed their top priority in the crude vernacular that they sometimes employed, to ‘sink the prick,... ‘cause he’s a fucking piece of shit.’”

In his conclusion, Horkins writes, “At trial, each complainant recounted their experience with Mr. Ghomeshi and was then subjected to extensive and revealing cross-examination. The cross-examination dramatically demonstrated that each complainant was less than full, frank and forthcoming in the information they provided to the media, to the police, to Crown counsel and to this Court. ... Each complainant was confronted with a volume of evidence that was contrary to their prior sworn statements and their evidence in-chief. Each complainant demonstrated, to some degree, a willingness to ignore their oath to tell the truth on more than one occasion. It is this aspect of their evidence that is most troubling to the Court.”

Given all that, Horkins found “Mr. Ghomeshi not guilty on all of these charges and they will be noted as dismissed.” A second trial was scheduled for June 2016, but the Crown withdrew the last remaining charge, an alleged sexual assault against Kathryn Borel, after Ghomeshi signed a “peace bond,” which does not include an admission of guilt, and apologized to Borel for improper conduct.

Ghomeshi’s exoneration at trial and the compelling evidence that the complainants had lied and, in one case, vigorously colluded “to bring him down,” did nothing to prevent Ghomeshi from becoming a pariah.

Incredibly, in the aftermath of the trial, pre-#MeToo feminists such as Janet Mock tweeted: “Tragically, our systems continue to put survivors of sexual assault on trial while their abusers and rapists go free. The judge’s comments in #Ghomeshi case uphold that rape culture and victim-blaming is alive and well. #IBelieveSurvivors.” This is a mentality utterly hostile or indifferent to democratic rights and procedures, worthy

of the Salem magistrates in 1692 or Stalinist prosecutors during the Moscow Trials.

In his recent *New York Review of Books* essay, Ghomeshi recounts what has happened to him since 2014: “There has indeed been enough humiliation for a lifetime. I cannot just move to another town and reboot with a pseudonym. I’m constantly competing with a villainous version of myself online. This is the power of a contemporary mass shaming.”

Ghomeshi acknowledges that at a certain point in his life he had let his celebrity go to his head: “I learned to be pushy when I didn’t get my way. And at some point, when it came to women, I began to use my liberal gender studies education as a cover for my own behavior. I was ostensibly so schooled in how sexism works that I would arrogantly give myself a free pass. I was outspoken in public life but tone-deaf in my private affairs.”

He expresses remorse “about how I treated some people in my life” and for his emotional thoughtlessness and selfishness, but adds, “I cannot confess to the accusations that are inaccurate.”

Ghomeshi points to his sense of legal and psychological helplessness in 2014–16, adding too that the allegations created a “financial calamity ... not only have you lost your income, but you’re also hemorrhaging your savings to legal fees.”

He writes, “And with all of this, I am moving toward what might be seen as a trite point: we learn from our mistakes.”

The violent and venomous reaction to Ghomeshi’s inoffensive and rather contrite article is telling. The removal of Ian Buruma at the *New York Review of Books* is a cowardly capitulation to right-wing, anti-democratic forces. As we have argued, this is a reactionary, destructive campaign. The #MeToo crowd is relentless, it will have its pound of flesh.

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