

New Zealand: Daily Blog opposes jury trials in rape cases

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The *Daily Blog*, a website funded by several trade unions, last month published an anonymous article entitled, “If NZ is so immersed in rape culture, do we need to end jury trials?” It endorsed a suggestion by the government’s Law Commission for the abolition of juries in sexual assault cases.

The Law Commission report, released in December 2015, is currently being considered by Justice Minister Amy Adams. Its main recommendation is for a specialist sexual violence court, with expert judges and lawyers, to be run as a pilot program. The report also suggests that rape cases could be heard by a judge alone, or by a judge and two specially-trained “lay assessors,” as in the German system.

The opposition Labour Party’s sexual violence spokesperson Poto Williams indicated support for the proposal, telling the *New Zealand Herald* some cases might still need jury trials, but many should be tried by a judge alone.

In the lead-up to the 2014 election, Labour proposed reversing the burden of proof in rape cases, essentially removing the principle that a person is innocent until proven guilty, another long-standing legal protection. Legal experts denounced the proposal, saying it would lead to more innocent people being convicted.

The push to scrap juries and remove the presumption of innocence is part of a broader assault on democratic rights aimed at erecting the framework of a police state. Other measures include the increasing militarisation of the police force as well as legislation, supported by both major parties, to allow unrestricted spying on the population by the intelligence agencies. The ruling elite is preparing to suppress opposition that will inevitably emerge in the working class to soaring social inequality and the integration of New Zealand into US war plans.

The right to trial by jury has come under attack

because it allows ordinary, non-appointed citizens to play a crucial role in determining the outcome of criminal cases, thus providing some protection for the accused against the abuse of power by the state. In 2011 the National Party government, with Labour’s support, passed legislation expanding the number of cases tried by a judge alone.

Justice Minister Simon Power declared that jury trials were too expensive and time-consuming. Previously anyone charged with a criminal offence carrying a maximum sentence of more than three months in prison had the option of a jury trial; the new law raised the threshold to offences with maximum penalties of two years or more. The Human Rights Commission opposed the change, writing that the jury system was “one of the primary safeguards of trial fairness [that] has traditionally been important in protecting citizens from oppressive or politically motivated prosecutions.”

Now the nominally liberal *Daily Blog* has joined other sections of the media in whipping up hysteria over “rape culture” to justify further attacks on this fundamental right. The implicit assumption that any man accused of rape is guilty has now been extended to denounce juries that do not deliver a guilty verdict—regardless of the evidence presented at trial.

The blog declared that a recent case in which a jury could not decide whether to convict a cricket player accused of rape showed how “rape culture permeates every inch of our culture.” It called for “extreme solutions,” stating: “The right to decide how you will be judged is an incredible protection, but if you are constantly sourcing a jury that are as ignorant and biased as the person committing the rape, then you will never see justice.”

The article asserted that “ordinary people... can’t accept a woman’s right not to be touched when she

says no” and therefore cannot be trusted to convict rapists. It stated that only judges “trained in the complexities of sexual assault” were qualified to assess the facts in rape trials.

The sweeping assertion that “ordinary people” support rape amounts to slander against the population as a whole. The statement has profoundly anti-democratic implications, which go beyond the immediate issue of rape. If most people are ignorant and bigoted, why not ban juries in all trials?

Indeed, one supporter of the blog suggested as much, commenting: “The jury system is a quaint medieval idea that may have worked when everyone in town knew each other, but as used these days is wasteful, inefficient and wildly unfair to just about everyone.”

The article demonstrates the reactionary character of identity politics, which seeks to elevate issues of race, gender and sexual orientation so as to divert from the fundamental class divisions in society and block the development of a unified movement of the working class against capitalism.

Daily Blog editor Martyn Bradbury routinely denounces the majority of New Zealanders as racists, misogynists, and ignorant “sleepy hobbits.” Such diatribes are aimed at white men in general and workers in particular, blaming them for all the social evils that are the product of decaying capitalism and its deepening social and economic crisis.

The *Daily Blog* reflects the interests of the upper-middle-class layer surrounding the trade union bureaucracy, the Labour Party, the Greens, the Maori nationalist Mana and Maori parties and the anti-immigrant New Zealand First Party. It falsely presents these capitalist organisations as a progressive alternative to the National government and its austerity agenda.

At the same time as posturing as anti-racist, the blog promotes anti-immigrant xenophobia in a bid to channel social tensions in a reactionary, nationalist direction. It supports the efforts of the opposition parties to scapegoat foreigners, particularly Chinese, for the lack of affordable housing, unemployment and other aspects of the social crisis. The anti-Chinese campaign is bound up with New Zealand’s growing integration into US preparations for war against China, which Labour and its allies support.

The demand for “extreme” attacks on the right to

trial by jury is not the only example of the *Daily Blog* advocating more repressive state powers. NZ First member Curwen Rolinson wrote an article on August 30 trumpeting his party’s policy of a 27 percent increase in front-line police officers. The blog also published an article by Rolinson proposing that unemployed teenagers undergo military training.

It is not difficult to foresee how special judge-only sexual violence courts, along with the Labour Party’s proposal for the removal of the presumption of innocence, could facilitate the frame-up of political opponents. Significantly, the *Guardian*, which has persecuted WikiLeaks founder Julian Assange based on trumped-up rape charges for exposing the criminal operations of US imperialism, published a column on August 12 by Julie Bindel endorsing the New Zealand Law Commission’s proposal as an example for the UK.



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