

French female lawyers publish open letter defending filmmaker Roman Polanski and the presumption of innocence

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On Monday, *Le Monde*, the French daily newspaper, published an open letter signed by over one hundred female lawyers, headlined, “A disturbing presumption of guilt is present too often for sexual crimes.”

The letter, which defends Franco-Polish filmmaker Roman Polanski and the presumption of innocence for all those accused of crimes, constitutes a powerful rebuke to the campaign launched by right-wing feminists and the Emmanuel Macron government against the celebrated filmmaker. More generally, it is an exposure of the reactionary trajectory of the #MeToo campaign launched in October 2017.

The ten individuals listed as the letter’s authors are prominent defense attorneys based in Paris: Frédérique Baulieu, who defended Dominique Strauss-Kahn; Delphine Boesel, the president of the International Observatory of Prisons in France, which works to reduce prison sentences; Marie-Alix Canu-Bernard; Françoise Cotta, a renowned criminal defense lawyer; Marie Dosé, who represented the families of French citizens in Syria; Corinne Dreyfus-Schmidt; Emmanuelle Kneusé; Jacqueline Laffont; Delphine Meillet and Clarisse Serre.

Polanski has been vilified by the French government and the #MeToo campaign in the run-up to and aftermath of the César awards, where he won the best director prize for *J’accuse* (*An Officer and A Spy* in English), which deals with the Dreyfus affair. The Macron government and numerous commentators in the French media and internationally denounced the awarding of the prize to Polanski.

In their letter this week, the French lawyers state: “The polemical vehemence that has followed the 45th César award ceremony obliges us, we who are women, lawyers and specialists in criminal law... viscerally attached to the principles which underlay our rights, to begin from the presumption of innocence and the statute of limitations; [we are] lawyers who are confronted every day with the pain of victims, but also, and no less, with the violence of an accusation.”

The letter goes on to point out that “an accusation is never proof of anything: otherwise it would suffice to assert its truth in order to prove and condemn. It is not a question of believing or not believing a plaintiff, but of preventing oneself from

assigning any probative force to accusation alone: believing, in good faith, every woman who claims to be a victim of sexual violence would end up arbitrarily ‘making sacred’ her statements—and not at all ‘liberating’ her.”

Polanski, the signatories note, “has been the subject of multiple public accusations, including one sole criminal complaint which did not give rise to any charges being filed: He is therefore not guilty of what he is being reproached for, after the case involving Samantha Geimer.” In 1977, Polanski pled guilty in the United States to unlawful sexual acts with Geimer (then Gailey), when she was 13. “As for her, the only legally recognized victim, she has appealed countless times for an end to the exploitation of her story.”

In an interview with the French-language *Slate* on February 28, opposing the calumny of Polanski, Geimer stated that “A victim has the right to leave the past behind her, and an aggressor also has the right to rehabilitate and redeem himself, above all when he has admitted his mistakes and apologized.”

The lawyers’ letter continues: “The ceremony in honor of the ‘great cinema family’ [i.e., the Césars], where Roman Polanski in the end was humiliated more than awarded, will therefore contribute a little more to hurting this woman who, in vain for over 40 years, has attempted to turn the page on a history that, in fact, is no longer hers.”

Since 2010, another 12 accusations of sexual assault have been made against Polanski, six of them anonymously. All of them relate to events that occurred more than 44 years ago, and are far beyond the statute of limitations—and therefore could not be examined or challenged by Polanski in a court of law. All but one of the accusers announced that she did not wish to file criminal charges. Nonetheless, the #MeToo campaign has declared that Polanski is guilty and accepted all the accusations as though they were fact, treating the presumption of innocence and statute of limitations as inconvenient barriers to a conviction.

Responding to this campaign, the lawyers write: “It is urgent to stop considering the statute of limitations and the presumption of innocence as instruments of impunity: In reality, they constitute the only effective defense against

arbitrary power, of which anyone can, in these deleterious times, become a victim at any moment. There is no claim more dangerous than that every memory is virtuous and every act of forgetting reprehensible.”

The lawyers add that it is “false to claim that the judicial system today displays a systemic violence toward women, or that it does not take their word sufficiently into account. We note, on the contrary ... that a worrying and powerful presumption of guilt is present too often in the case of sexual infractions. Thus is it becoming more and more difficult to respect the principle—however fundamental—according to which the benefit of the doubt must reside stubbornly with the accused.”

“Tweet after tweet, hashtag after hashtag, what we sense emerging would alarm any genuine democrat, and worries us even more that we already see wrongdoing: The triumph of the court of public opinion. In a click and with a hail of unwholesome accusations, certain women no longer hesitate to proclaim themselves victims and thereby designate the accused as a criminal. From then on, if the court finds the accused innocent, he is doubly guilty of having committed the crime and escaping justice ...

“As criminal lawyers, we will always fight against every form of arbitrary accusation that, almost automatically, leads toward generalized lynching.”

The day after the lawyers’ letter was published, *Le Monde* published a reactionary reply, in the form of another open letter, signed by 18 female supporters of #MeToo, including several lawyers and medical professionals, and representatives of female advocacy and feminist political organizations.

“We say it very calmly,” they write, “These lawyers are mistaken. They believe the judicial world is a protected—by what miracle, they do not explain—from all the ideas, inequality and violence throughout society ... The justice system, like the healthcare system, the police and the professional world, is not neutral. Like all institutions, it is torn by the mechanisms of domination that exist in society.”

This is intended to sound very “left,” and is consciously designed to resonate vaguely with powerful and ingrained democratic sentiments in the working class, who correctly know that the courts, the police, the workplace, the two-tier healthcare system, are all rigged in favor of the rich and powerful, and are used to exploit and oppress the vast mass of the population. Their argument, however, is the opposite of what has always been associated with every left-wing and socialist movement, resistance to the strengthening of the capitalist state and its institutions. In fact, the authors call for an unbridled expansion of state power.

“Our reality is that of a judicial order that today displays a violence toward female victims of violence and does not sufficiently take their word into account,” they write. “Our reality is that of a permanent presumption of lying that weighs on female victims of violence. Barely having opened one’s

mouth to speak, one sees this in the look of those men and women who greet us. The look that says: ‘Hmm, are you sure?’, ‘But how did that happen?’, ‘But you mean it was rape?’. This look freezes us. This look silences us.”

This sums up of the hostility of #MeToo to democratic rights. The presumption of innocence—what they term “presumption of lying”—means that every criminal charge is assumed to be false, unless it is proven beyond reasonable doubt, through a trial with the accused having all the rights to due process, including—yes—to deny the charges, and to face his or her accusers and challenge the charges against him or her.

That the authors take offense at even cursory questioning of rape and sexual assault allegations simply means they reject the presumption of innocence and due process. Their version of due process would involve an accusation, following which the accused would be denounced by an inquisitor-in-chief, pronounced guilty and frog-marched to jail.

The upper-middle class social layers who are leading the #MeToo hysteria and anti-Polanski campaign in France are completely indifferent to these life-and-death democratic questions. This also includes the pseudo-left New Anti-Capitalist Party (NPA), which has eagerly embraced the campaign against Polanski. These movements are aligned with the Macron administration—as it attacks the working class and immigrants, and slashes social spending to funnel money to the rich—and the most reactionary political forces who remain hostile to the outcome of the Dreyfus affair and therefore Polanski’s film.

If the Macron administration announced tomorrow it was ending the requirement for a trial in the case of sexual assault cases, endowing the government with vast powers it would then use to imprison workers and its political opponents, the #MeToo witch-hunters and their pseudo-left supporters would shout: Hurrah!

There is nothing remotely progressive about any of this.



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