

*Margaret Ng*  
*Member of Legislative Council*  
*Room 116, New Henry House*  
*10 Ice House Street*  
*Hong Kong*  
*Tel: (852) 2525 7633 Fax: (852) 2901 7136*  
*E-mail: margaret@margaretn.com*  
*Web Site: margaretn.com*

29 January 2004

BY HAND

Mr. Edward Chan, S.C.  
Chairman of Hong Kong Bar Association  
c/o 10<sup>th</sup> Floor, New Henry House,  
10 Ice House Street,  
Central,  
Hong Kong.

Dear Edward,

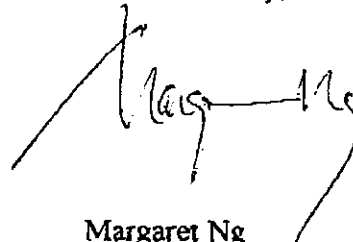
Re: The Evidence (Amendment) Bill 1999 of June 2000

Thank you for your letter referring Dr. J. Boost's letter to the Panel on Administration of Justice and Legal Services.

The captioned Bill was passed by LegCo on 21 June 2000. I enclose a copy of my speech in the second reading debate for your reference. You will find reference in my speech that the object of the bill was to abolish the mandatory warning a judge has to give on the uncorroborated evidence for rape, indecent assault and buggery. The Bar and the Law Society opposed the bill. I opposed the bill and voted against it, but the Government won.

So far as I can see, Dr. Boost did not raise any new argument or evidence, and provided no basis for re-opening the debate. I will, of course, brought his letter to the attention of the Panel to see if any member thinks differently.

Yours sincerely,



Margaret Ng

Encl.  
c.c. Clerk,  
Panel on Administration of Justice and Legal Services

MN/kc

**Speech of the Hon Margaret Ng  
Evidence (Amendment) Bill 1999 - resumption of 2nd reading debate  
21 June 2000**

Madam President,

In certain sexual offenses such as rape, indecent assault or buggery, a magistrate, judge or jury can convict even though there is no corroborative evidence. However, the law requires that the judge warns the jury or, where it is a magistrate or a judge sitting without a jury, he warns himself of the danger of convicting an accused on uncorroborative evidence.

The main objective of the Evidence (Amendment) Bill is to abolish this requirement altogether.

The Bar is strongly opposed to this proposal. The Law Society is not satisfied that the Bill provides sufficient safeguards to protect the accused.

This is not the first time the proposal is made. It was first made in 1996. At that time, the main consideration was whether the change in the UK following the recommendation of its Law Reform Commission should be adopted in Hong Kong. The main consideration was whether the warning requirement could be abolished without undermining proper protection for the accused.

The Bar had reservations about outright abolition, but suggested replacing the mandatory warning with a new formula based on the Australian approach. However, the matter lapsed because LegCo ran out of time to deal with it.

This time round, it was reintroduced with a new emphasis. It is presented as a protection of women's rights legislation. The Secretary for Justice made this the theme of her speech last March to the Equal Opportunities Commission. The corroboration rule is opposed as discrimination against women.

This is evident from the Administration's paper to the Bills Committee. In the written submissions of the Equal Opportunity Commission, quotations are taken from judgements of eminent judges to demonstrate their prejudice against women. The basis of the corroboration rule is said to be that judges believe "women tell lies" and "men must be protected from these lies". "It is arguable," says one submission, "that the existing corroboration rules are indirectly discriminatory against women".

This is a wilful distortion and absurd accusation. If judges indeed think like this, they would be not only prejudiced but stupid beyond comprehension. The warning would have been required not only for sexual offenses where there is only uncorroborated evidence. It would be required for all female witnesses. But, as a matter of fact, Women are regularly accepted as reliable witnesses in all kinds of

trials across the land.

Even in sexual offence cases, the allegation of prejudice against women is not borne out by statistics. There is no evidence in Hong Kong, of a lower conviction rate for rape or indecent assault against women. Defendants are frequently convicted on the uncorroborated evidence of women and girls.

It is not borne out by personal experience of lawyers: sexual offenses are among the most difficult to defend where the complainant comes up to proof. Magistrates and judges regularly accept the evidence of women and girls and have no qualms saying so in their verdicts and judgments.

The warning is attached not to the gender of the witness but arises from the nature of sexual offenses. Buggery can be committed equally against a male or a female person. Yet the same rule applies: a judge is required to give the warning if the evidence is uncorroborated -- i.e., if it is a matter of the word of the complainant against the word of the accused.

The reason is clearly given by Salmon L.J. -- because in these cases false stories are easy to fabricate, but extremely difficult to refute. His judgments in Henry and Manning is quoted condemningly in a submission of the EOC because the learned judge dared to say "girls and women do sometimes tell lies". But the case is about rape, which by definition at that time can only be committed by a man against a woman. No woman stood in danger of facing a charge of rape.

No doubt, now that sexual offenses are extended to both sexes, and in England rape against a man has been a crime since 1994, judges will tailor their warnings to ruer to both sexes.

The Administration cites the comments of a Hong Kong Court of Appeal in the 1998 case of Kwok Wai-chau that their lordships Power V-P, Mayo and Stuart Moore JJ were "unable to understand "why Hong Kong has not followed England to abolish the rule. But in a case decided in October 1999 by a court composed of Chan CJHC, Wong JA and Yeung J, the rule was not doubted. The Chief Judge gave very much the same reason as Salmon L.J.:

"The main reason for the need to exercise great caution before convicting an accused of a sexual offence upon the uncorroborated evidence of the complainant is that allegations of such nature are usually easy to make but difficult to refute."

Nobody can accuse the Chief Judge of any disposition to discriminate against women.

It may be that the judges have got it wrong. It may be that fabrication from psychological or physiological reasons, sexual neuroses, fantasy and so on are simply not a real concern as they think, or have become so exceptional as to be irrelevant in the modern age. If so, let us argue on the evidence. Let us not resort to calling names such as discrimination against women, and compromise the

protection of the accused because it is no longer politically correct to uphold the rule requiring a warning to be given.

Madam President, indeed the heat and polemics themselves demonstrate that a person accused of a sexual offence such as rape is now subject to even greater prejudice than before. If anything, there is greater need than before for the warning where there is uncorroborated evidence. This caution and pause for second thoughts may be the only counter-balance against a sea of adverse factors.

The Evidence Ordinance is about evidence, not about equal opportunities. What is at stake is not balancing the rights of the accused against women's rights. The risk of an innocent person being convicted is the paramount concern of our system of criminal justice. The rule requiring a warning to be given can only be abolished on one ground, and that is, that it can be abolished without harming the protection of the innocent against the risk of conviction. This was signally not the focus of the Administration's case.

Madam President, perhaps these days the public has come to expect the Bar and the Law Society to take opposite views. But they are together in opposing this Bill. They speak from experience and knowledge. Their great reservation on this serious matter should be heeded by this Council.

Madam President, I urge honourable members to oppose the Bill.

I would like to explain why I will oppose Clause 3 of the Bill, which seeks to abolish the requirement for corroborative evidence for specified offenses. The Bar and the Law Society are of the view that abolition should be accepted only after the matter has been fully considered by the Law Reform Commission. Abolition is not opposed as such. Personally I am prepared to support abolition of the requirement of corroborative evidence for these offenses. However, on the material the Administration has provided on the offenses specified, it seems charges for these offenses are few and rarely serious. On balance, the safer approach is to be preferred.

Thank you, Madam President.



## HONG KONG BAR ASSOCIATION

Secretariat: 1/G2 Floor, High Court, 38 Queensway, Hong Kong  
 DX-180053 Queensway | E-mail: info@hkba.org Website: www.hkba.org  
 Telephone: 2869 0210 Fax: 2869 0189

29 January 2004

Dr. J. Boost,  
 93 Tseng Tau Village,  
 Sai Kung,  
 N.T.

Dear Dr. Boost,

Re : The Evidence (Amendment) Bill 1999 of June 2000

Thank you for your letter of 21 January 2004.

The Special Committee on Criminal Law & Procedure of the Bar Council will study the contents of your letter. Meanwhile I have taken the liberty to forward a copy of your letter to the Panel on Administration of Justice and Legal Services of the Legislative Council.

Yours truly,

Edward Chan S.C.  
 Chairman

cc : Mr. Andrew Bruce S.C.  
 Panel on Administration of Justice and Legal Services of the  
 Legislative Council

### 香港大律師公會

香港金鐘道三十八號高等法院低層二樓

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Mr. Edward Chan, S.C. 陳景生

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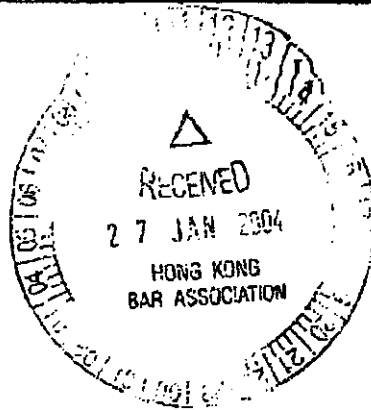
Ms. Janine Cheong 張玉燕

Mr. José-Antonio Maurehot 毛樂權

Mr. Donald Leo 劉健能

21 January 2004

The Chairman of the  
H.K. Bar Association  
LG2 High Court  
Queensway  
Hon Kong Central  
Tel: 2869 0210



Dr. J. Boost  
93 Tseng Tau Village  
Sai Kung  
Tel: 2698 0200  
Fax: 2698 0076  
Mob: 95290161 38  
[jobboost@yahoo.com.hk](mailto:jobboost@yahoo.com.hk)

Ref: The Evidence (Amendment) Bill 1999 of June 2000

Dear Mr. Chan,

The Bill mentioned above has kept worrying me for three and a half years now. I have put my mind to it and tried to find out how its "clandestine appearance" on the books of the Judiciary could be explained. The act enforced by it reminded me of the term of "dilation and extraction" which is used in the US for a form of abortion in which the mother is giving birth, but when the child is half-way sticking out, the head is crushed. This "motherly nurturing procedure" was established as a Woman's Right through a trial before the Supreme Court of the US in which perjury ruled supreme. The chief witness and "rape victim", Norma Roe who regrets what she did and admitted to it, had never been raped but had sex with a friend, and her child was not aborted, but born and out for adoption. So much for the absence of any lies in rape claims.

Why the Bill reminded me of that "loving" Women's Right was the devotion that had been afforded to the destruction of one of the most valuable possessions we had – not between our legs (our baby), but between our ears: the assumption of innocence – officially for all, but in truth, as we have all known since 'Lex Sally', only against one clearly identified half of the population. The insincerity in which sincere faces can be put up to make lies look like the obvious truth can only be described as 'Chutzpah'. Which is, of course, not unknown in many courts – most of it, however, in jury courts, where the Thespian art of tears and crocodiles can be a most interesting – but not at all amusing – spectacle. Our, still held-back, LegCo is, of course, still a bit of a mouthpiece for background interests – a least, it was so much more in 1999-2000. Since then, we have matured a bit – so I hope – and should review grave mistakes that your Association had, in foresight of a morally and legally disgusting morass, tried to prevent.

At that time, Elsama bin Leung – sorry: Elsie L. – and Anna Wu celebrated this piece of legislation as "a triumph for Equality" – though admitting that it was "to be used in 95% against men" (see SCMP of those dates, but in very small notices on the actual event). What would that mean for 'Equality'? Let us be clear:

A law that is designed to single out certain strains of the population is not a Law but an aberration – the best (or rather: worst) example having been the "Nuremberg Laws" which were, like this one, based on an ideology that declared the especially targeted population as "the source of all evil".

Please, do not mistake my point as, in any way, anti-feminist or even misogynist. It is quite the opposite: I love women, and I want women to be as free and happy as any man. I think, though, we have to do a lot to make any man or woman free, safe, secure, and happy – full stop. But war and hate will not achieve any of this. This is why I am prepared to raise my voice and stand up against a danger to us all: the Erosion of our Legal Safety (if it still exists). It is this bringing down of these two most important Twin Towers: Equality before the Law (in 'Lex Sally') and Assumption of Innocence (in this, what I call 'Lex Elsie') that made me confer on our beloved Secretary for Justice the nom de guerre 'Elsama b.L.'. Let her sue me if she likes, but the towers she brought down were more important than the ones in New York – and will cost lives.

May I ask you, in this light, to circulate this appeal among your members and let me know your opinion – and whether you would support it. Also, maybe, some advice as to how best to proceed with it.

Yours with best regards and, according to the timing and hopes for this endeavour, Kung Hei Fat Choi,

J. Boost  
Dr. phil., MA, MA, Cert. Ed. Psych., PCEd

January 2004

To  
The Chief Justice of  
The Court of Final Appeal  
Battery Path  
Hong Kong Central

Dr. Jorn M. F. Boost  
2/F, 93 Tseng Tau Village  
Sai Kung, NT.  
Hong Kong SAR  
Tel: 9529 0161  
[joboost@yahoo.com.hk](mailto:joboost@yahoo.com.hk)

Ref.: **The Evidence (Amendment) Bill 1999 of June 2000 :  
Abolition of the need to prove a sexual allegation  
by any means other than the mere word of the accuser**

My Lord,,

I wish to challenge the said bill and legal practice in Hong Kong established in June 2000 on the grounds that it violates all principles of justice, equality, and ethics - including the Basic Law and the UN Charter of Human Rights, as it singles out one half of the population (men) for punishment without proof of a crime

It was pushed through the channels of the H.K. Legislative Council, the H.K. Bar Association (who, morally quite correctly, opposed it, warning that it would invite the conviction of innocent persons) and, most importantly, almost completely unnoticed by the media and the general public.

After our recently more openly manifested public interest in laws that could be a danger to even smaller parts of the population (viz. article 23 and the consequences), one can only wonder why a law such as the one challenged here, that would pose a threat to nearly 50% of the adult population, could be so secretively passed into practice - and that against the declared worries and opposition of the vast majority of the legal profession.

It was bad enough that, not so long before, the principle of "Equality before the Law" had been undermined - if not sunk- by the "Lex Sally" (which destroyed the equality of the sexes) and even more recently with the "Cargate" decree (which re-created quasi feudal privileges or, in the words of Shakespere's Hamlet "the insolence of office"), but the "Presumption of Being Innocent Unless Proven Guilty" still seemed to hold - until this 'cloak-and-dagger' passage brought the second Twin Tower of Law and Justice down.

I went through the pages of the Bill's Committee again, as well as those of the Bar Association, and could hardly believe what had been smuggled into our presumed "Rule of Law". I understand only too well why women tend to be somewhat hard-handed in the context of sexual offences. I can even understand that some of them would not care too much if, by mistake, some decent and innocent men would be destroyed. I would, however, not approve of that - and I believe I am entitled to such criticism as, unlike the majority of those women, I was raped when I was only 17 years old. I have, therefore, no interest in any person who commits serious sexual offences being let go free - and I am sure that I am joined in this by most men and women - At least 95% of men do not commit rape or similar crimes and would do anything to prevent such occurrences wherever they could. And a similar number of all decent women would, on the other hand, not wish their husbands, fathers, sons, brothers or any other decent man to be destroyed - socially and emotionally, as well as financially - and their families with them.

The more surprising it must be that such a rule of "summary execution" did not raise any objections from the public. The answer to this is simply that the public had been, deliberately, kept uninformed and unaware. I asked a good number of people I know: nobody knew about this law and its implications, even today. I wish, therefore, to make the following request:

**As this law has been brought into validity without public consent, but concerns every member of the said public, it cannot remain with us unless it has been brought through a process of TRUE public consultation and open discussion. The blind approval by the, then, Legislative Council cannot give the Bill respect and validity, as the said Council itself is still lacking large parts of this, i.e. accountability and representative mandate. The E.O.C. and HK Federation of Women are, likewise, not in a position to cast a vote, as long as no equivalent Voice of Men is in existence.**

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But it is here that we may find some of the roots and intents for the clandestine operation around the said Bill:

The diction of the LegCo's Bill's Committee is giving away some very belligerent sounds which would appear to be largely influenced by the Radical Feminist Movement of the USA which has had a massive impact on all areas of Law and Society. The basic ideology is perhaps best shown in the words of some of the leading representatives of that movement – which is, fortunately, now coming under growing criticism from the side of Decent Women and Real Feminists. True Feminism has its roots in the move towards Equality and Harmony – not in Destruction and Holocaust. It is, therefore, an aim which has been supported by the entire socialist and liberal movements, by women and men together. It also has strong requests for the well-being of children and, thus, healthy families, i.e. heterosexual relationships as the basic (though not entirely exclusive) unit of society.

The American based Neo- or Pseudo-Feminism had shown some influence here in Hong Kong at about the same time as the said Bill in the context of the "Girls' Crisis" in schools allocations and education in general in which a prominent member of the said Bill's Committee had spread out the same, basically untrue arguments as her American friends. (Girls had, actually, already taken 60% of the places in the best schools, which did not really show any of the alleged discrimination).

The basic statement of this could be best described in the words of Ms. Catherine McKinnon, a prominent Professor at two of the most influential Laws Schools of the USA (Yale and Michigan):

**"All sex, even consensual sex between a married couple, is an act of violence against women."**

Which needs to be explained, in her profound truth – and would, of course, provide a basis for our own Bill:

**"In a patriarchic society, all heterosexual intercourse is rape because women, as a group, are not strong enough to give meaningful consent."**

In short – and as confirmed by Marilyn French, writer and advisor to Al Gore's Presidential campaign:

**"All men are rapists, and that's all they are."**

These quotations are NO JOKE. They proclaim the aims which are also at the roots of our own Bill here: Rape is not what individuals do out of any sexual misfunctions. It is, according to Susan Brownmiller, ...

**"...nothing more than a conscious process of intimidation by which all men keep all women in a state of fear"**

It is a very functional, planned and concerted campaign for the purpose of ALL MEN suppressing ALL WOMEN. If women cannot even consent to having sex (how incompetent do these "feminists" think women are?) – not to mention 'making love – everything is "rape", and no evidence nor corroboration will ever be needed.

But a warning to all women is in order, too, especially if they are still not convinced about the evilness of all men and do not wish to leave their husbands or boyfriends or whoever of the male gender. According to the NOW, the National Organization for Women, which receives a lot of taxpayers' funding:

**The simple fact is that every woman must be willing to be identified as a lesbian to be fully feminist."** –

And:

**"The end of the institution of marriage is a necessary condition for the liberation of women. Therefore, it is important for us to encourage women to leave their husbands."**

This aim is, right now, promoted in many of the US states by a programme that uses any event of Domestic Violence for the obligatory arrest of the man (as a matter of the same ideology, although the Agency on Violence against Women has just reported that women attack just as much and often – but more often using weapons) his expulsion and the split up of the family. The Duluth Programme bans reconciliation and joint counselling, thus deliberately destroying families, and has recently been funded with a Federal 1.6 billion US\$.



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So, this is not a frenzy of a few senseless people but – let me put it that way: the “PLANNED AND CONCERTED CAMPAIGN” mentioned above seems to be much more of an appropriate description of these things going on. To which we might add the many ideological “Women’s Studies” programmes which, in some of the “best” colleges and universities have the S.C.U.M. Manifesto by the late Valerie Solanas on their basic reading canon. S.C.U.M., by the way, is short for the Society for the Cutting Up of Men.

To those unfortunate women who are still married or, in any other unfeminist way, connected to any specimens of the disgusting sex that is, now, also facing the politically correct treatment in Hong Kong, a certain warning is in place: They are also enemies and better prepare for politically correct steps. But, for the moment, it would suffice to observe the following and see to it – in full political correctness, of course, as the Assistant Dean of Students at Vassar College, Catherine Comin noted:

**“Men who are unjustly accused of rape can sometimes gain from that experience.”**

Would she say that about any woman exposed to years of being raped and beaten- which appears to be the usual way of treatment alleged sexual offenders receive in prison? Would any decent person even think that way? – I am sure: NO. – So, How could that perverted ideology flood over to Hong Kong? With that kind of thoughts and ideology around, even the grand old lady of Feminism, Germaine Greer, could be right when she stated:

**“Probably the only place where a man can feel really secure is a maximum security prison, except for the imminent threat of release.”**

I had great respect for Greer – but after that? – Or did she really mean that sarcastically: that anybody would be better off behind thick walls than in the presence of such dangerous ideologues. That latter possibility would be just about forgivable. – But who was really the big pusher behind this perversion in Hong Kong? – In which “Think-Tank” did this minefield surface?

Otherwise, it all fits – even the big “Super-Jail” – which is, by the way, also the brainchild of a perverted and vengeful brain: not a rehabilitation place but a concentration camp.

So far, the background of this sad and misguided effort at discrimination and persecution for ideological satisfaction seems just like a nightmare that would, hopefully, pass. There are, however, other points that are worth looking into because they absolutely refute some of the so-called arguments for the said Bill:

#### **CEDAW – The United Nations Committee on the Elimination of Discrimination Against Women**

The United Nations, quite correctly, wish to eliminate Discrimination against Women. It would be better if discrimination were banned – full stop. Perhaps I could, then, go to a job interview at Chai Wan IVE and not be told that there was no discrimination because, “after all, you can always have a sex change operation” - as I was informed in the said place. But, as for our case in the context of this Bill, the question was if there was ever any false accusation.

**Point 1: Providing any rights only for one section of the human race would be discrimination in itself.**  
In this respect, “Women’s Rights” are a creation of privilege and legally as well as morally wrong.  
It is getting worse when Ms. Elsie Leung states that “Womens’ Rights are Human Rights” because, by mere Logic, this would reserve Humanity only for those enjoying those rights. Because: all rights that men have are enjoyed by women, too. Men, however, have no part in Women’s Rights – i.e. Human Rights. Therefore, they are not human. – I fear, this attitude has also had some effect on the passage of this Bill.

**Point 2: Men can also be rape victims – as I know only too well.**  
However: we know that if an employer uses his position of power to force a maid into bed, he will be convicted of rape. - Why can a manageress do the same with a male subordinate - and get away with it? In the case in question, there even came some support from the E.O.C. – but it was so badly presented that it seemed deliberately botched up to prevent any future male complaints. –

**But: Why was there no compulsory conviction? - This case had evidence presented! Not just words!**

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Point 3: The United Nations Charter of Human Rights (to which Hong Kong is a signatory) demands, just as the HK Basic Law a due process of law and a fair trial to any person accused of any offence. –  
The acceptance of an accusation without any support for the said accusation cannot fulfil that demand. Such a system would preclude a fair trial by Assumption of Guilt Before Hearing Both Sides: Equality before the Law as well as the Presumption of Innocence which is at the centre of Justice would fail.

“Women never lie”

The promoters of the Bill in the Bill's Committee took great pains to make sure that the need to have some confirmation of what accusers said was put in a way that only women and girls had been, wrongly, branded as notorious liars. It is in this way, that the UN could be invoked, and guilt feeling could be created in any person present who would dare to vote against the dangers of innocent people convicted.

This technique is, indeed, used very often to push through wrong decisions by making them look like “the right thing”. It has also been used excessively in the US by the afore-mentioned Pseudo-Feminist groupings – and with similar success. Which seems to confirm my suspicion that there is some ideological and activist connection.

The fact is that everybody who did not think of a certain group of the population (e.g. Blacks, Jews, men) as generally inferior and/or criminal has always been cautious with accusations in this direction. One problem had always been: the proof. The teachings of the Bible and Joseph cum Ms. Potiphar also had some bearing. Fortunately, we have now a great reservoir of forensic evidence, most notably, but not exclusively, DNA.

The use of these techniques (as long as they are not done in Texas) is impressive and can also tell us something about the average truthfulness of some witnesses. Prof. Barry Scheck of the National Commission on the Future of DNA Evidence, and co-founder of the Innocence Project that has saved a good number of men from death and long years in prison, reported in the Post-Conviction Issues Working Group that of the cases in which DNA tests were done after conviction, i.e. after the accusers had sworn that these men were the perpetrators, a majority of the convicted are exonerated by the evidence. He estimates the number of victims of such injustice to be in the “thousands”.

One major problem appears to be shoddy police and prosecution work, including losing, mislaying etc. potential exhibits. Not to mention deliberate omissions. After all, a conviction can mean a promotion – and if no corroboration is needed, the temptation of “losing” the semen-soiled bit or whatever can be as big as the “loss” of evidence exculpating the Guildford Four. There are even cases known where prosecutors “lost” two witnesses of a murder (who said that the accused black man was not it!) and achieved a death sentence – which could have cost a certain politician many KKK-votes and the Presidency in Washington if he had ordered a re-trial.

In short: witnesses are far from reliable in the best of cases. In his book “Actual Innocence”, Prof. Scheck quotes an experiment in criminology (Berlin 1902) in which a whole auditorium of sober and interested, but impartial, students became witness to a fight between two persons in the room. The whole thing was set up, but the result was typical: More than 40% did not even recognize the persons involved afterwards. How much less reliable would a person in emotional turmoil be?!

Thus, the problem is not one of LIES but of reliability of testimony. Basically, a personal testimony cannot be seen as equal to factual evidence! It will be tainted, selective, and subjective. Therefore, no conviction should ever be based on a testimony alone.

That is equally –or even more– true of the abrogation of corroborative evidence from criminals or children (which has been in power since 1994, respectively 1996).

- a) a criminal in that position will try to buy him/herself out at any cost for anyone else – even someone who had nothing at all to do with the crime. The result is the “snitch-culture” which is prevalent in some US states and just provides a supply of easy convictions for ambitious officers;
- b) children are more and more used as pawns in bitter divorce cases, and sexual abuse charges are one of the most popular weapons; the parent who is “in possession” of the children (usually the mother) can easily exert influence and put some dangerous words into the innocent mouths of the children.

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Another danger are over-zealous or "crippled" social carers – viz. Cleveland and Glasgow where close to 200 families were destroyed by such persons suspecting and accusing everybody.

I even recall a case in Hong Kong where a judge pressurized a witness who wished to withdraw her statement. She claimed she had been coerced into accusing her father. The judge threatened her with imprisonment if she did not maintain her earlier statement. Of course, she submitted to that pressure.

Things like that just should not happen! They are not a proper course of any "due process". Unfortunately, however, the old principles of "in dubio..." and others seem to have gone out of fashion.

We have, however, to return to questions of TRUTHS and DELIBERATE UNTRUTHS:

Susan Brownmiller, whom we have mentioned before, is often quoted as the great authority of female truthfulness, and her statement that "only 2% of rape accusations are possibly wrong" is treated as a psalm of the Bible. It has even been elevated to the rank of an FBI statistic – without the FBI (who estimate 15% false rape accusations) knowing about it. The fact is that it is only an anecdotal random remark she had picked up from a certain judge in New York who had pretty little to do with cases of violent crime.

This riding loose and rough on shoddy or plainly false "evidence" is, however, quite common in the said pseudo-feminist movement. Practically every single figure or statistic brought forth from that quarter is either faked, blown up a hundredfold – or otherwise doctored. Or, as in this case, minimized. – But take Naomi Wolfe's claim on the numbers of women being pushed into death by the male demands of their slimness and the resulting anorexia: 150,000 per annum – in the US alone! – The true number: about 80. So much for truth from that side.

The deaths of women at the hands of husbands or other "intimates" are in some quotes quite similar, but not always quite as badly overworked – but still about eightfold. And by the way, for every 5 women killed by their partner, 4 men are killed by their female companion (not counting the less detectable poison or cushion cases).

In the way of rape accusations, however, we can quote a very authoritative study that was put through in a police area of relative calm in the US Mid-West over nine years (E.J.Kanin: Purdue University, Sociology, 1978-87). Of 109 rape charges 45 were admitted to be false, i.e. 41%. I suppose it would be safe to add a few percent of non-admitted ones to this and conclude that about 50% of deliberately false rape accusations would be realistic. –

The reasons given for the accusations were also quite interesting:

- a. was providing an alibi (for something like an affair or pregnancy – extramarital or other);
- b. revenge (for all kinds of hurting, including rejection of a sexual advance from the woman's side);
- c. seeking attention/ sympathy.

These figures and experiences have been confirmed by several other studies- some also on college campuses.

Which brings us to the infamous matter of "date rape" which, according to another great researcher of the said pseudo-feminist pressure group, Mary Koss of Ms Magazine, was so common on US campuses that 27% of all female students answered her research with a report of having been raped. The problem was only that her report, though still cited everywhere, ignored that 73% of her 27% rape victims did not realise they had been raped. Which would leave her with, maybe 7% in toto. That is still far too much – but we also have to take into account our previous rape figures, and some other researchers have come up with about 1 - 2% of the female population.

That is not good, but far away from the panic claims that one in three women is raped in her lifetime. It would seem that we have to destroy three equally big and devastating myths:

- a. Men are not all rapists – far from it: 98% are not (likely even more, as serial crimes are more likely committed by one emotionally crippled person);
- b. Rape is not an organised campaign but an individual failure of a sick mind;
- c. Self-proclaimed rape victims are not always rape (or other sexual) victims – they sometimes seek power

If we add this and the likely number of mis-identifications – which is also near 40% – we cannot possibly advocate a summary conviction for all accused persons! Moreover, we cannot, under any circumstances, forgo the need for evidence and proof.

-6-

The demand for the re-constitution of the need for evidence and proof as pre-condition for a conviction in these areas – as, actually, should be in ALL areas- is not in any way a discrimination against women!

If that was the case, then any checking of available DNA or other forensic evidence would be a hostile act against the accuser (of whatever gender or other categorization), because the mere attempt at finding out anything from that said piece of evidence would mean that the person is not trusted to tell the truth.

Such back-thoughts, however, do not really come into the matter. A proper investigation merely means that all evidence is checked seriously and without subjective or ideological blinkers. That is NOT hostile but the duty of any person who is involved in any course of due process.

**NOT TO RESEARCH AND NOT TO DOUBT WOULD BE A CRIME AS BAD AS RAPE –  
AS IT DESTROYS LIVES, TOO.**

And this is exactly the crime that the Hong Kong Bar Association had, laudably, tried to avoid. As for now, it would appear that Hong Kong has stepped into a new phase of maturity, and that should mean that we could shed prejudicial and hate-motivated ideologies.

I am sure, the great majority of Hong Kong women does NOT feel as badly coerced and oppressed by their men as the middle- and upper class white women who now haunt the Ivy League campuses in search of someone to blame for their unhappiness. I even think they would be upset if their six year old little son was expelled from school as sexual offender because he gave a girl in his class a kiss. That is such a perverted paranoia that we should better leave it to those people who see even romantic love as nothing but "rape" and "sexual harassment". If those people where that disease came from want to be unhappy – why not leave it to them?

We can do a lot better without all that. And I am also sure that we could all live happier if we tried to help and protect each other instead of making one half of the population paranoid in fear of being raped, while the other half lives in fear of disappearing behind bars and walls for no good reason but someone else's superiority feelings.

The background of Misandry (hate against men) and Heterophobia (hate against togetherness of men and women) on which this Bill has grown is as unhealthy as the sexual-mental deprivation that leads rapists to their actions. And we should not forget: they are not born that way – but turned that way. Their incapability to have a proper relationship with the other gender is not very different from the one shown by the supporters of that Fake-Feminism. We may even assume that both were victims of abuse, sexual or other, in childhood.

**But if we allowed such sick mental states to take over our laws and guarantees of a secure life,  
if we allowed a tendency of demonising parts of our community, coloured people, Jews, men or any other  
we would be in danger of travelling along a route like others went in Nuremberg 1936 –  
and no decent man nor woman can want that.**

I would, therefore, Sir, request that either the said Bill is declared null and void on the grounds of it being incompatible with the Laws (and I mean the Spirit of the Laws as expressed by Montesquieu) that Hong Kong is a signatory to. - The same should be considered for the corroboration of criminals' and children's testimony to prevent miscarriages of justice which would, otherwise, almost certainly invited.

Or that it is put before the general electorate of Hong Kong for consultation and disputation. The ideal would be, as in the case of the, now famous, Article 23, a decision by referendum, but I concede that such luxuries of democracy are not immediately available and will hardly become so before the Legislative Council has indeed matured to the character of a parliament. A further step towards a truly representative consultation would be the establishment, of a Men's Commission – with the same power and financial backing as the other side.

Hong Kong, January 2004

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Jorn Boost  
Dr.phil., MA, MA, Cert.Ed.Psych., PCEd.

### Excourse No. 1: The Origin of Law, Evidence, and Proof

Maybe it is not by accident that this newly introduced judicial practice is in such contrast to the rule of Law as we used to know it. Law is, after all, a masculine institution. It originated from the rebellion against matriarchic rule and the establishment of the patriarchic one, about four- to five thousand years ago. Its oldest documented manifestation is found in the laws' column of King Hamurapi in Sumeria (today's Iraq), dating to about 2,200 – 2,500 BC. This is roughly synchronic with:

- i. the written form of the Epic of Gilgamesh in which the young prince Gilgamesh rejects the offer of sharing the female ruler's, Ishtar's, bed - with a clear declaration against being used as a sex object. He left Ur in protest (maybe, also in the interest of his safety) and went on an errand to Lebanon, only to return more self-asserted and claiming her throne for himself. In short: He carried through the Male Revolution against Matriarchic Rule;
- ii the exodus of Abraham from the same place, quite likely for similar reasons of dissatisfaction with the old order (by the way, the story of the Great Flood and the arc also stems from that epic, though Noah has a different name, but it proves Abraham's roots there, indeed);
- iii with the development of writing (in cuneiform - after the earlier, less abstract, ideogrammes of Egypt).

We have to see three important elements in this:

- a. The law was written down for everyone to see – and, thus, to understand. It could apply to, and ...
- b. Be binding for everyone. In this way, it replaced the randomly exercised power of the oldest female(s) in the extended family, horde, tribe;
- c. It did introduce due process and the rule of Law; It could, in this way, promote equality among the citizens (at least, the free residents) of the country;
- d. **It did introduce the need of evidence and proof for any accusation under the Law!**

It is this last point which seems to have suffered a "Sudden Death" in Hong Kong, in June 2000 AD – i.e. after only four and a half millennia in which it had been cherished as the cornerstone of Justice. It is from here that all other principles are derived:

- the assumption of innocence unless and until proven guilty;
- "in dubio pro reo" – in doubt in favour of the accused;
- "nulla poena sine lege" – no punishment without a law (at the time of the alleged deed);
- "habeas corpus (intactum)" – the guarantee of personal rights.

All these are non-existent without point d. above. Expecting anything only resembling Justice without it would be like hoping to build a high-rise building on a sandbank. There would just be no foundation. Claims of there being some "safeguards" in place, as Ms. Elsie Leung assured us, would be like depending on some piling in Tung Chung. After all, not everyone's name is Sally. We ordinary people have to depend on something reliable and trustworthy. And that is, after all, what the Law is for.

Hamurapi provided his law with some authority and respect as he claimed, as later Moses, that God had given it to him. In this way, he avoided suspicions that he was only setting rules of his own interest – which would have been just a continuation of the matriarchic practice.

The point was exactly to escape the closeness of incestuous decisions. Matriarchic Societies did not have any notion of law: the will of the Mother was law. We have to grant her that such powerful Mothers had the well-being of their offspring in mind when making decision. But here is also the snag: their own children's interests! And in a female-oriented society that means, first of all: the daughters. We know from remnants of matriarchic societies, as they still exist in some remote areas in China, that in matriarchic societies all rights of inheritance and ownership go only through the female line. This means that males are deprived of any property or rights. In the case of the Mosuo (near the border of Yunnan) the men work all day on their mother's farm – without pay – and then have to "earn" their dinner and bed for the night with sexual services for another woman who picks them from the crowd at the "pick-up" lake. So, the men are, basically, treated as slaves and prostitutes – which is a way that women were treated in some primitive tribes – but not in our modern "patriarchic" society for a long time.

## viii.

The situation in Ur was, presumably, not that much different, and in Abraham's and Gilgamesh's time some change took place. One major problem that arose was, of course, that the Great Mother had got all her power from the fact that all younger members of the tribe were part of her –literally of her body. Whichever man took over the rule could not claim that. Actually, the concept of Father or fatherhood is a very recent one. The Mosuo (see above) still have no such thing – and not even a word for it.

This, however, must have turned out to be of some advantage: the Law could be set without the incestuous self-interest of the mother-child relationship. That meant: it could be impartial and really valid for all! A mother will always see her child as part of herself – and that makes fairness impossible, even with the best of wills. Thus, the law had to transcend the blood bonds of the family, and that was only possible in the, at first, still "fatherless patriarchic society" – which sounds like a strange contradiction but makes sense.

This uncertainty of fatherhood and its connotations was still very visible two thousand years after Hamurapi in Rome, where the institution of adoption was prevalent: The child that the "pater familias" adopted as his was his. That made him "father" – a legal, not a sexual act. The other children of the house may also have belonged to the family, but "pater semper incertus" (the father is always uncertain). It is, of course, also interesting that the understanding of rape as a crime also has its origin in this: with the change in the inheritance line, the "I am the father" element became important, and the access to a woman's sexuality, which had been freely granted –or demanded– from the woman's side, had to be protected on the paternal line. An interesting –not strictly feminist– twist, isn't it?

Why these "Matri-Patriarchic Wars" are relatively well documented is largely due to the development of writing. Which is also clearly related to the new masculine take-over: Without contraception, women were not very mobile, and the, mainly male, traders needed something for book-keeping. There was, however, also a long tradition of storytelling – which also involved the happenings of the time – that could be now be written down .

So, early literature is quite saturated with stories of the Gender-Wars, e.g. from Gilgamesh to the trilogies of the Oresteia, or of Oedipus, where the impartiality of the Law – even with regards to the Royal Family – is best demonstrated

- i. in Oedipus' serious investigation into a crime he did not know he himself had committed;
- ii. in Kreon's anti-violence legislation which is well intended but leads to Antigone's death.

In both cases, the newly established male ruler goes beyond the bonds of family, demands proof, and acts without regards to privilege. That is the beginning of Justice in the way we have known it.

Hamurapi had already decreed that only proof can satisfy Justice. In his Code of Law, he prescribed that: If an accuser cannot prove his or her accusation against another person, the accuser shall receive the same punishment that the accused would have received if proven guilty.

This seems harsh – but is it really? All it does is protecting the innocent. Admittedly, it may also let the occasional guilty person get away. – But the risk of destroying many innocent lives must be seen as the greater evil. If Hamurapi could see that nearly five thousand years ago, what has made us so blind that we are quite willing to ignore it – just in favour of a dangerous ideology that does not care about equality.

We can even accept that many of the false accusations that occur in rape cases are not out of bad will – but just very, very common witness errors – especially when in mental turmoil. That error is not a crime – but should not be encouraged, just for the sake of any conviction. We can learn a lot from the origins of Law:

We have to strive for Fairness and Justice – We cannot reach that without hard evidence and proof. Like Science, Justice cannot rely on words and intuition but needs hard facts – or else it is a Fake.

Such fake takes place in courts everywhere every day (especially in jury courts, though) where, basically, drama is played, a "show" produced. Alas – it often has not much to do with truth – or even search thereof.

Words, looks, and gestures may be in order on television or in films. But to trust them – and them alone, when someone's life is at stake? Even in a "smaller" case like alleged harassment – such a criminal record can destroy a career, a family, a life. There is no such thing as "small" or "big" justice. Every case is important and has consequences. If I cannot guarantee that what I say is really true, I should admit that and say no more. Only if there is that bit, even small, that supports what I say – then, my words are important.

### Excourse No. : Sex, Lies, and Subjectivity

Sexuality is a very necessary natural component of our species, though by no means unique: all species in the higher degrees of development have separated their sexual functions, though sometimes in the same body. In our case, as mammals, we are definitely separated – a sad momentum which was, according to the discussion in Plato's "Symposion" caused by the envy of the Gods. So, we chase, incessantly and to the last moments of our lives, for the "other half" of our self that was so cruelly cut away from us. If that is love, then, the whole animal world is full of it.

Our problem is: we have become too arrogant and refuse to recognize that we are animals. This is more prevalent in today's "so-called Feminists" than in the majority of normal heterosexual (or even homosexual) men and women. We have, in this matter, seen a recent fall-back into "Victorian decency" – although Queen Victoria would deny she had any leanings towards the anti-sexual teachings of today. If the teachers of modern "Feminism" (*McKinnon, Dworkin, etc*) were right, Victoria's Secret – and her many children's, would be that the Victoria and Albert Museum in London is a memorial to a serial rapist.

We can joke about this (unless we are part of the said sad movement which is so adamant to destroy all the goodness and positive thought of the original and true Feminism), but matters have become serious, and we have to fight for the survival of not only mankind but humankind as we used to know it.

Sexuality is a power – one of the strongest we have. To deny that is to deny that we live. "Man and woman, woman and man – reach as high as God only can" (*Mozart's 'Magic Flute'*). It is a God-like power – and that God is good. There is nothing wrong in it – only in its mis-use. And that, as with the strengths and potentials mis-used in wars (see Iraq), is often based on selfish economic or other interest.

Female sexuality has always been the stronger power. After all: that men had any part in human reproduction was unknown until only a short while ago. But when it was discovered, it was still uncertain who was the father of any of the children. And today's DNA checks have opened big cans of questions about "innate female monogamy". There are many myths to be revised – male and female. And many lies.

There are white lies (well: relatively harmless) and big fat black ones (malicious, vicious, up to murderous). That all women are faithful and monogamous, while all men are fickle and polygamous is as forgettable as it is ridiculous. After all, in 40% of all DNA checks in Hong Kong the "father" was not the father. That is worse than in Glasgow where the ratio was only 30%. But who cares – as long as he pays for the child?

More serious are the claims the radical "Women's Rights Movement" has, quite successfully, promoted:

- a. that we live in a world of patriarchic oppression, a universal male conspiracy in which all men are sworn-in members and put together all their efforts for one purpose only: to suppress women!
- b. that, through this, all men are child abusers, women batterers, and rapists –
- b. and that women never lie about these things.

Let us check number 1: 60% of child abuse are committed by women. Men have much less to do with it.

Nevertheless: it is still always claimed that men are the sole child abusers – mothers only the nurturers. A similar situation has, only recently, appeared for sexual abuse of children: women are as much involved in this as men, but still protected by a "shield of motherly taboo", which the female pressure groups are desperate to keep up, in spite of the innumerable damage it does – including the production of rapists and molesters through victimization.

Number 2: The Home Office in UK has in its research on *Violence Against Women*, (Study 191) found out that 4.2% of women have been subjected to Domestic Violence – as compared to 4.2% of men who were abused. Similar results appeared in the US, Canada, and New Zealand. It shows that the term "Violence Against Women" has to be read with inverted commas.

x

Nevertheless: Hong Kong must still be the one, first and only place where a shelter for battered men was opened – not with Government support or money (to my knowledge) but by the Caritas. Quite simply: the existence of abuse against men is still totally denied and ridiculed. The woman who was the “mother of all battered women’s shelters”, Erin Pizzey, has been ostracized and expelled from that movement she founded because she recognized the reality and tried to help both sides. In the meantime, the lies keep flowing, and every publication, even from the Home Office who know better (see study 191), claims that 1 in 4 women get abused all the time. That would make 25% if my maths is not too bad. Where are the 4.2% of the truth?

Number 3: The number of rapes has decreased in many places, and about 95-98% of men are not known to have been involved in any such crimes – except as victims. After all: the US have a statistic of about 800,000 alleged rapes against women per annum (out of about 145 million women, i.e. much less than 1%), whereas 1.5 million rapes occur in the (mostly male) prisons in the US (out of about 135 million men, i.e. about double that rate).

Nevertheless: the lies keep on flowing, claiming that 1 in 3 women get raped in their lifetime. How does that work out in the statistics above? And what about the men who don’t receive any help, neither from government nor elsewhere?

The problem lies in the power of a (US based) extremist offshoot of the real Feminism which is very well funded (mostly with tax-payers’ money) and its media warfare that would make the late Joseph Goebbels green with envy: the deliberate and systematic dissemination of half-truths, doctored statistics, and outright lies, complemented by legal doctoring and perjury.

One of the greatest early successes of that campaign was one of the most decisive cases in recent US legal history, the famous *Roe vs. Wade* which came before the Supreme Court and opened the way for abortion at random – including the breaking of a baby’s skull when half born and still sticking only half-way out of the “mother” (if you can give such a woman this title of honour). She testified that she had been raped by three men and one woman, and could not bear the mental pain of such a pregnancy.

She got for herself –and for all other American women- the women’s right to abort at any time, up to the actual birth. The problem is only: Norma Roe ~~never was raped!~~ Nor was her baby aborted. The child was born and given up for adoption. She was just a young woman who had been bribed or coerced into perjury by “Women’s Rights Advocates” who are, of course, adamant that “women never lie about rape”.

Norma Roe, in the meantime, regrets what she did and has openly admitted her lies. She saw the consequences and deplors them. She had never thought of abortion as a killing of convenience. However, *Roe vs. Wade* still stands.

What this case shows is only that Truth is NOT something Womens Rights Campaigners value very highly – self-interest is much higher on the agenda. And that should warn against throwing the need of evidence and proof out of the windows of all courts of Justice. This is, after all, not the only case – only the one that went and lied its way to the highest court in the US, and had the most widespread effect. Others, much more personal and vicious abound. Let us take the example of Ms. Michelle Gretzinger vs. Prof. Ramdas Lamb at the University of Hawaii at Manoa:

Prof. Ramdas had asked students to discuss some real social problems, including rape. One student (a girl) remarked that rape allegations might not always be true (she had herself been raped, but also seen how her brother was wrongly accused after he broke off a relationship). The class boiled in turmoil over such an unholy suggestion. Even the thought of it was anathema. Prof. Lambdas was enlightened (and that means, in this context unwise) enough to advise his students to respect different opinions.

He was to regret such careless adherence to truth and tolerance. To doubt a woman’s word is a crime worse than anything. Ms. Gretzinger demonstrated this “eternal truth of a violated woman” in the best way she could: She brought sexual charges against Prof. Lambdas – which grew and grew – up to 16 (sixteen) rapes and the public branding of Prof. Lambdas as “serial rapist” which also brought him several death threats.



With the support of the university's office against Sexual Harrassment (all US universities seem to have such pseudo-feminist institutions now) Ms. Gretzinger sued the university for not protecting her enough and was awarded a compensation US\$ 175,000. This was in 1995, and it forced onto Prof. Lambdas three and a half years of what I would call persistent rape until he was completely exonerated and proven innocent.

Ms. Gretzinger had made some terrible mistakes. She had claimed more than had been possible: her timings were just not right; she "had been after" Prof. Lambdas, but he would not let her come too close; and all this was confirmed by dozens of students (many of them female). Obviously, Ms. Gretzinger still had a lot to learn about the proper techniques of truth manipulation. A Federal Court ordered her to pay a fine of US\$ 132,000, of which 80,000 were punitive damages. So far so good – but it still left her with a clear profit of US\$ 43,000 (about HK\$300,000). So, who can say that crime does not pay – if it is done in the name of Women's Rights? (These details quoted from *Daphne Patai: "Heterophobia" Oxford and Lanham, 1998*)

Many of the false accusations that occur in rape cases, however, are not out of bad will – but just very, very common witness errors – especially when in mental turmoil. That error is not a crime – but it should not be encouraged, just for the sake of any old conviction. An error, however, that is not an error but malice or greed – that is a crime and should, indeed, carry the same punishment – including a lifetime on a sexual offenders' list, under the title of "rape". I think we should learn from *Hamurapi's law (2200BC)* which gave an accuser who could not prove his or her charges the penalty the accused would have got if proven guilty. Needless to say that Ms. Gretzinger had nothing of that kind to fear – and nor had many others.

Some research has been done on the reasons for increased false rape accusations in recent years. The Kanin study of Purdue University which found that 41% of accusations in one area, over nine years, were admittedly false was, maybe, the ice-breaking (or taboo-breaking) event. Susan Sarnoff summarized in her article in Women's Freedom Network Newsletter of autumn 1997 as follows: "While some researchers argue that false reports make up more than 40% of all rape reports, only the most fanatical ideologues insist that the number falls below 8%". That would put *Susan Brownmiller's* claim (in "*Against Our Will*") of a maximum of 2% (based on an anecdotal talk with a NY judge with no relevant experience) into either a fanatical corner or the gossip bin.

The great question is, of course: Why on earth would someone whose intelligence was sufficient for a university place do something as absurd as Ms. Gretzinger (et multae aliae)? One temptation might be money, as "sexual assault victims receive 76% of the funds meant for all crime victims" (*Susan Sarnoff: "Paying for Crime: The Policies and Possibilities for Crime Reimbursement" – Westport, CT, 1996*).

I am, however, willing to accept a psychotic deviation rather than hardened criminal intent. We also have to take into account pressure from interested sides – in her case an overzealous Sexual Harassment Officer at the university, a Ms. Hipensteele. But there is more to it, I believe, and it has something to do with the development of Women's Studies (instead of the much more appropriate and non-discriminatory Gender Studies) in most US universities and colleges (more than 600 courses). These have promoted a strange narcissistic self-portrayal that stifled women's development more than it helped:

The early move of more women into academia saw an enthusiastic run for the sciences. That was, indeed, an inroad into the "male bastion". And what now? – Desertion from the ramparts. Why? Because women speak "*In A Different Voice*" (*Carol Gilligan's standard book in feminist psychology – Harvard UP, 1982*). Science is described as male invention and a weapon to suppress women. Its way of thinking is patriarchic-oppressive – not nurturing-intuitive. These lines of direction show up even stronger in "*Women's Ways of Knowing*" (*Mary F. Belenky et al., NY, 1986*), a standard book for most of the Women's Studies courses.

One of the most striking elements is the total introversion of a woman's process of getting to know something. First comes her "Inner Voice" – then, the communication with other women (which is no sign of extroversion, as women are supposed to be very group-coherent). In this way, even what enters the mind from the outside is still utterly subjective. The problem is that objectivity and true searching, doubting, testing, deducting, inductive testing, control testing – and, finally, proof – all the things I considered necessary for my own courses on 'Critical Reasoning' and 'Scientific Method' – and for my own mind – are out of the window.

## xii.

Not that I ever advised against subjectivity. Quite the opposite! But, as with our sexuality, I urged my students – and myself – to realize that we have to accept and recognize it, to be aware of its implications, its power, and its potential dangers. To deny the existence of our subjectivity would be just the same mistake as denying our genetic inheritance, our personal past, our personality, our sexuality – in short: our self.

To concentrate on it, however, cannot lead out into the freedom of thought, nor into the joy of feeling – oneself in all that's around. What intuition there is, will still be clogged in like in a cocoon, but never fly in the blue sky. There is no world to discover if one remains blind in –even an imagined- uterus. To shun the light of critical thought and scientific outlook is not a “way of knowing” but of narcissistic self-indulgence.

Such an anti-rational approach to the world, its events – and to oneself! cannot be conducive to women's progress towards equality. A lot has been achieved in this – and most women recognize that much of that was also due to the widespread support from the great majority of men. But such moves as those “Women's Studies” are a retreat – not in the sense of a resting pause but a move backwards into some kind of “splendid isolation”. However, if “no man is an Ilande, intire of itselfe” (*John Donne, 1572-1631*), neither is any woman – nor all women together as one great entity, as some of the neo-feminists seem to aspire.

Why this may be relevant in the context of truth, fairness, and judging is the fact that such an isolation would cloud the eye and prevent a clear look at: “what is there”? But, how can we judge if we don't even bother to see – or to search if we can't see it yet? – If I see a board raised across the road, I will not just remove it because I think ‘Oh, it fell from a truck’. Someone may have put it there to prevent others from taking that road because there is something wrong around the corner. Or just as a stupid prank. – All three are possible. But I don't know what's on. I have to seek out which one is right. Just acting by assumption could cause danger. So, even if I started being annoyed because this costs me time, I must find the objective answer before I make a decision.

Likewise, if I see a person who is in need of help, I shall have to examine what kind of help is needed – or is best. The person, if conscious, can perhaps give me some information as to what to do. But it may be that he or she only knows where it hurts – but not why. The person, if conscious, may also tell me what had happened. However, that may not be the full story: either the accident or whatever happened too fast, or came from a ‘dead angle’, out of my view range – or s/he firmly believes to have seen something, but only believes it.

I must not rely on my intuition – nor on the witness! That would be like trusting my prejudice. And I am afraid: That is the danger we are getting into if we abscond the ancient principle of proof. After all, even with some evidence we can still have difficulties: Mrs. Potiphar, after all, had Joseph's overcoat to show to her husband (*viz Genesis*). Some people may sleep with someone they hate – to get revenge for something. We cannot always exclude the possibility of falsehood. If it is well planned, we may well fall for it, and it will do immense damage as a tool for a crime. But that should not make us say: Let's have it – we cannot prevent it anyway.

In many cases it will not even be bad intent. Mis-identifications are almost 45%, and witnesses the least reliable source of information possible. Involved witnesses even worse! Quite simply: We cannot do without an objective approach. What is brainwashed into the victims of those Women's Studies and other offshoots which have nothing to do with the real Feminism that wanted true Equality and Good Cooperation between the sexes in all areas of life, including personality and emotion, and purported to be “Women's Ways of Knowing” seems to have found its unsavoury way into all ways of life and society. So, let us remove it again from the laws, while we still can, and while the voice of reason is not entirely banned. It's not to get “Men's Ways of Knowing” on the throne. There is no such thing as such a way – just as there are no “Men's Rights”. And no man wants them. There is a human way of a subjective person applying objective perspectives, and there are Human Rights – and that is all there is. No special favours, please. Just give us what we have – no more, no less. But what we have must be just, and fair, and objective.

**So, what about Sex, Lies, and Subjectivity?**

**Yes, please, let's have them – but only the former and the latter.**

**They are both good and part of our own substance. So, let us all enjoy them –**

**if possible without the intruder in the middle. Without that thing we'd have a better world.**

Publications essential to an understanding and evaluation of this appeal are:

<u>Convicting the Innocent -</u>	Executive Summary for the Commonwealth Conference of Heads of Prosecution, Darwin, Australia, 2003:
<u>Convicting the Innocent -</u>	Full text for the same conference;
<u>House of Lords -</u>	Discussion of protection rights of accused persons in sexual cases, 2-6-03;
<u>Actual Innocence*</u>	Prof. Barry Scheck et al, excerpt about witness reliability test (Berlin,1902);
<u>Post-Conviction Issues Working Group (US)</u>	Prof Barry Scheck et al: Group session on DNA evidence results / future practice, 7-5-03;
<u>Lawyers' Ethics and Criminal Justice -</u>	Richard H.S. Thur: Lecture on corroboration and truth in criminal courts;
<u>False Rape Allegations -</u>	Eugene J. Kanin: 9 year rape report study in US Midwest, Purdue Univ.);
<u>The "rape" crisis revisited -</u>	Rod van Mechelen: Mary Koss' false reporting et al.;
<u>Heterophobia* -</u>	Daphne Patai: excerpt on "Sexual Harassment Industry" and "Truth";
<u>S.C.U.M. Manifesto -</u>	Valerie Solanas: Pseudo-Feminist basic reading and part of Women Studies programmes in leading American universities and institutions. -----
*	These two available as books -- all other texts from the Internet

Other sources shedding light on this context:

Bruce, Tammy:	The New Thought Police, Prima Publications, 2003 (0-7615-3404-0)
Cook, Philipp. W.:	Abused Men – The hidden side of domestic violence, Praeger 1997 (0-275-95862-0)
Elliott, Michele:	Female Sexual Abuse of Children, Longman, 1993 (0-89862-004-X)
Farrell, Warren (PhD):	The Myth of Male Power – Why men are the disposable sex, Berkley, NY, 1993 (0-425-14381-3) – Dr. Farrell is the only man ever to be appointed one of the five Directors of the NOW (National Organisation for Women – US)
Goldberg, Herb (PhD):	The Hazards of being Male – Surviving the myth of masculine privilege, Signet, 1976 (Congress Library No. 74-28987)
Hoff Sommers, Christina:	Who Stole Feminism – How women have betrayed women, Touchstone, 1994 (0-671-79424-8)
Hoff Sommers, Christina:	The War Against Boys – How misguided feminism is harming our young men, Touchstone, 2000 (0-684-84956-9)
Nathanson, Paul / Young, Katherine K.:	Spreading Misandry – The teaching of contempt for men in popular culture, McGill-Queens UP, 2001 (0-7735-2272-7)
Patai, Daphne:	Heterophobia – Sexual Harassment and the Future of Feminism, Rowman & Littlefields, 1998 (0-8476-8987-5)
Roiphe, Katie:	The Morning After – Sex, Fear, and Feminism, Boston 1994
Young, Cathie:	Ceasefire! Why men and women must join forces to achieve true equality. Free Press, NY, 1999