

Kevin Spacey’s Victories Prove “Believe Women” Has No Place in a Justice System

On July 26, 2023, a British jury found Kevin Spacey not guilty of nine counts of criminal sexual assault; the accusers were four males. Similarly, on October 20, 2022, a federal jury in Manhattan found Spacey not liable for civil battery based on sex assault accusations by actor Anthony Rapp. In both cases, Spacey was cleared of all wrongdoing and his accusers were all men—and not women. Stripped of the current social pressure to “believe *women*,” the Spacey trials were bereft of the women-are-always-truthful, men-are-always-lying narrative. Both juries were liberated from the spell of the slogan and free to fix their attention where it should be—on the evidence rather than the rhetoric. Unshackled from “believe women,” these jurors were able to evaluate each accuser’s story, credibility, and the evidence on an individualized, rational basis. This should always happen, but rarely does.

The #MeToo movement insidiously poses as a backlash to men in power who (the movement demands) should be presumed guilty, because the hashtag itself begins with an acceptance that there is a victim (logically necessitating a perpetrator). Perhaps #MeToo intended to suggest that we should “believe victims”—but that’s not the slogan it chose, and lucky for Kevin Spacey. His were textbook high-profile cases for a man with decades of power, yet because the accusers were men, there were no women jurors had to believe, there was no interference from the #MeToo movement, and thus there was room for justice.

Had a parade of women hurled unsupported accusations against Spacey, bullied by the #MeToo movement, the jury would have presumed his guilt, denying him the due process and presumption of innocence he deserved. The Spacey verdicts glaringly expose the problems with #MeToo’s mantra, “believe women”; they also point to a way forward.

“Believe women” was a call to society to take seriously the accusations of women long silenced by abusive men in positions of power. But in practice, it calls on people to accept a woman’s accusations at face value, without due process for the accused, without evidence, without corroboration, and without even having to reveal her identity. The slogan imposes a false narrative that women are *always* to be believed and men are *always* to be held in suspicion. This defies common sense and the available evidence. All parents know that both genders lie. Lying is endemic to the human condition.

And evidence shows that women lie for money and about sexual assault, and sometimes both. In fact, according to recent federal statistics, women were 52.7% of embezzlement offenders—a crime of dishonesty orchestrated expressly to steal money. And there have been a spate of recent cases involving women fabricating allegations of sexual misconduct. For example, on May 24, 2021, Rachael Myla Stagner of Lander, Wyoming was sentenced to twenty-one months imprisonment for making false sexual assault allegations. On March 10, 2023, Renee Dawn Skoglund in South Dakota was arrested following wrongfully reporting a sexual battery. And on March 14, 2023, Jennifer Gries, a Stanford University employee, was arrested on charges that she manufactured allegations of two alleged incidents of rapes that occurred on campus.

As sophisticated humans equal to men, women are quite capable of deception, and in some cases, can create the motherload of lies. Think of Anna Delvey (“*Inventing Anna*”), Sarma Melnailis (“*Bad Vegan*”), and Elizabeth Holmes (founder of Theranos), the megastar female fabulists of today. Each of these women told thousands of lies, over several years, to countless people *who believed them!* These epic female fraudsters rival any conmen of lore. Maybe that’s why “believe women” ignores their existence.

“Believe women” exerts real power in the courtroom, the media, the court of public opinion, and most dangerously, in the decisions of those with prosecutorial discretion. Indeed, “believe women” wields so much power over decision-making prosecutors throughout the country that it has hijacked the criminal justice system in pursuit of the #MeToo agenda. Rather than acting on behalf of “The People,” District Attorneys now often act as “victims’ rights” litigators retained by the “believe women” lobby to pursue its political agenda. In many cases of mine and my colleagues, the District Attorneys are spearheading prosecutions that they know are unjust to avoid a black eye from the #MeToo movement or to risk losing their #MeToo voter base. This is not the action of an office charged with the pursuit of justice. Rather, this shows that District Attorneys would rather risk prosecuting innocent men than become a target in the #MeToo cancel pogrom.

Currently, there is no brake on the runaway train of the #MeToo movement. Legislators, plaintiff’s lawyers, prosecutors, journalists, jurors, and the public routinely abandon common sense about human behavior (people lie, all the time, including women) in the throes of mob mentality. I fear a future jury instruction that directs jurors, as a matter of law, to “believe women.” Gender-bias can never be the solution to anything.

So what is the way forward? It is to be fair and impartial in evaluating evidence, not jumping to conclusions, and not allowing gender bias to influence us. This will not always result in acquittals, or victims receiving perfect justice. But our justice system was never perfect. There was no room for “believe women” in the Spacey trials—and if we actually care about justice, it should never enter any courtroom. Without “believe women” placing its thumb on the scales of justice, due process without the presumption of guilt *is* possible, like it was for Kevin Spacey.