

Banning 'loaded words' from sexual assault trial inhibits justice



MEGAN CLEAVELEY

"Being raped is a traumatic experience, one that many women have difficulty admitting—and as a result, it often goes unreported. This is why denying a woman the words to accurately describe what has happened to her is so horrendous. Being forced to describe rape as sex is not only shocking—it's also degrading."

When the city of New York banned the use of the word "nigger," I thought it was ridiculous, but more or less harmless—largely a symbolic gesture. After all, the ban won't be enforced, and prominent African Americans such as Jamie Foxx have admitted that they'll continue to use the word. And, being a symbolic act, the ban doesn't really trample on the rights of citizens—this doesn't make it any more rational, but at least it's mostly harmless.

But when a ban on words compromises rights, we've got a problem. Take for example, a recent case in Nebraska, where a judge barred certain words from being used at a criminal trial. This is common practice there, as judges will often ban words such as *victim* that imply a crime was committed.

That's ridiculous enough, but in the case of the alleged rape of Tory Bowen by Pamir Safi, the judge agreed with defense attorneys that the words *rape*, *sexual assault*, *victim*, and *assailant* should all be barred from the trial. The rationale is that when a witness admits to being raped or sexually

assaulted, they're making a legal conclusion, rather than allowing a jury to decide for themselves.

Being raped is a traumatic experience, one that many women have difficulty admitting—and as a result, it often goes unreported. This is why denying a woman the words to accurately describe what has happened to her is so horrendous. Being forced to describe rape as sex is not only shocking—it's also degrading.

The fact that the jury doesn't know that the words are banned isn't helpful either. There have already been two mistrials as a result of hung juries, and even though there will be a third trial, as long as the words are banned and the jury is left in the dark, they'll continue to be confused about whether or not rape actually occurred.

In the second trial, Bowen testified for 13 hours, and later admitted that the ban had an affect on her testimony because she had to stop and think to make sure she didn't use any of the banned words. 13 hours of testimony is strenuous at the best of times, but spending them testifying about an alleged rape that you're forced

to call "sex" is obscene. Perhaps it's not surprising, then, that Bowen is now suing the judge and refusing to adhere to the ban, saying that she'd rather go to jail than commit what she sees as perjury.

If this were a case where Safi was accused of robbing Bowen, none of the words associated with that would be banned. The mere thought of banning the word *robbery* is ridiculous, which makes me wonder why it has been deemed acceptable in this case to ban words associated with rape. To do so reinforces the fact that we live in a culture where rape is not only common, but trivialized in the media and popular culture.

Considering the difficulty of rape trials to begin with—including frequent victim-blaming insinuations like "she was asking for it"—many women are reluctant to press charges at all.

As long as rape is occurring in society, the least we can do is see to it that the victims can use the appropriate words to describe what has happened to them and aren't being discouraged from reporting rape and pressing charges.

Chalk one up for poor advertising methods

Sidewalk writing isn't just a bad promotional tactic—it makes campus look bad



DAVID JOHNSTON

The alternative of writing on vertical surfaces isn't that much better. Chalk has no natural predators in this region; it tends to stay around for absurdly long periods of time, meaning that there have often been brightly colored logos for WoW or ads for 'Geer Week long since departed.

so towards humans, and increase the probability that they'll turn savage and start breeding exponentially. Then, in a week where we don't put up enough notices, they'll get hungry and angry and start preying on the first-years like something out of an Alfred Hitchcock movie.

The problem inherent in writing out your ads on the ground is that they're, you know, on the ground.

Aesthetic issues aside, there's still the environmental factor. I know chalk is a natural resource found in the environment, but I also know that you don't see very much chalk in pink or purple or green when it comes out of the chalk mine, or chalk tree, or chalk lake—I don't know, I'm not a chalkologist. The fact is, I don't know what makes it so colourful, but I'm willing to bet that the committee members who painstakingly apply the stuff don't either, so there's a good chance that the colours are seeping into the ecosystem and slowly poisoning our water supply. Clearly, new avenues need to be explored—avenues not featuring chemicals that could potentially kill us all.

My first idea would be to spell out advertisements with coloured birdseed. Cheap, eye-catching, environmentally friendly—and the birds around campus would take care of making sure that the messages get cleaned up. The problem with this approach, of course, is that it would accustom the already numerous flocks of feral pigeons even more

As we move into October, it's easy to see the past month of education behind us. We can all look back at the fond memories—or, more specifically, we can look down at the fond memories, as they're still imprinted all over the sidewalks, paths, and steps of the University. The culprit in this case is, of course, calcium carbonate, better known as chalk.

Anyone who's walked, biked, or scooted around the University knows of the abundance of chalk advertisements that frequent the cement walkways of our campus. And why not? Chalk is easy to apply, brightly colored, and lasts longer than most of the other fonts of information on campus (ie posters, balloons, random cheerleading demonstrations and subsequent bannings). You'd think there would be no downside to such a simple method of communication. You'd think.

The problem with writing out your ads on the ground is that they're, you know, on the ground. This is where people walk, and where leaves, rain, and snow fall—and pretty soon, the message is completely gone. Either that or highly distorted, with the result of thousands of plodding feet turning an ad from "Safewalk" into something like "cafe llc," leaving anyone who didn't notice the message the first 70 times they trod over it to wonder what the hell's going on.

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Please send your contributions to aasuarec@ualberta.ca by October 10. Use "Contract Academic Recognition" as a subject line.

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