

The
Woman
Who
Stayed
Silent



WHERE TO BEGIN?

A few years ago, I plugged in a search on Twitter. The following tweet came up:

“Wonder why Sarah Polley never spoke out about being assaulted by Jian Ghomeshi. #HerToo. She was the woman who stayed silent. Ask her.”

The tweet was attributed to someone with no followers. It wasn't liked or retweeted by anyone. I felt as though I might be the only person who was seeing it.

Why do we write things about ourselves? To absolve ourselves of guilt? To confess? To right a wrong? To be heard? To apologize? To clarify things for ourselves or others? I've wondered all these things as I sit down to write this.

I've been writing and unwriting this essay for years now. It's difficult, when you've resisted telling a story for so long, to know where to start. Especially when it has haunted you to not tell it. When it has knocked around inside your brain, loudly in the middle of the night, asking why it didn't deserve to be told, asking you who you might have hurt by not telling it, who you might truly be, deep down, because of your decision not to.

This story starts somewhere. But I don't know if it begins twenty-nine years ago, when I was around fourteen years old, and a man in his twenties tenderly brushed a strand of hair away from my face. Or

if it begins as a young teenager, when, lost and scared, something happened to me that I couldn't understand, and so a part of my brain hid it from me until years later. Or when I was thirty-three and, though I had found my adult voice with almost everyone else, I still behaved in a way that was deferential and ingratiating towards a man who had hurt me even though I wanted nothing from him.

I'll start at thirty-five. Because that's when the world started to know things that had remained hidden about CBC Radio personality Jian Ghomeshi. And it is when I started to remember.

THE CLUE

In October 2014, three years before the Harvey Weinstein allegations came to light, and before the #MeToo movement became a worldwide phenomenon, the *Toronto Star* ran a story about Jian Ghomeshi. Journalists Jesse Brown and Kevin Donovan reported that three women said they had been punched, hit, bitten, and choked by Ghomeshi. A fourth woman, who worked with him on his radio show, anonymously described harassment and assault at the hands of Ghomeshi. (She would later identify herself as Kathryn Borel.) The respected radio host, who proudly wore the cloak of a sensitive feminist man, had suddenly lost his job at the Canadian Broadcasting Corporation. In the days following the *Toronto Star* piece, more women came forward with similar stories, including actor and Canadian Air Force captain Lucy DeCoutere, who was the first to identify herself publicly. In an interview on CBC's *The Current*, she encouraged more women to come forward to tell their stories and to share their names, if they could.

By the end of October, the *Toronto Star* had reported that eight women had accused Ghomeshi of sexual assault and harassment.

Some people questioned why all the women sharing their stories now hadn't gone to the police long ago if they were indeed telling the truth. In response, the hashtags #BeenRapedNeverReported and #IBelieveLucy went viral, and millions of people, all over the world, used them to tweet the myriad reasons they hadn't gone to the police to report their own experiences of sexual assault.

Lawyer Reva Seth, writing in the Huffington Post about an encounter with Ghomeshi that she describes as violent, explained, "I hadn't been raped. I had no interest in seeing him again or engaging the police in my life. I just wanted to continue on with my life as it was. And even if I had wanted to do something, as a lawyer, I'm well aware that the scenario was just a 'he said/she said' situation. I was aware that I, as a woman who had had a drink or two, shared a joint, had gone to his house willingly and had a sexual past, would be eviscerated. Cultural frameworks on this are powerful."

On November 26, 2014, Ghomeshi was charged with four counts of sexual assault and one count of overcoming resistance to sexual assault. Two months later, three additional counts of sexual assault related to three more women were added. (Only one of the criminal charges was in relation to the first group of women who came forward to the *Toronto Star*.)

In the fall of 2014, shortly after the story breaks, I go to a post-election party at mayoral candidate Olivia Chow's house, my eight-week-old baby, my second child, attached to me in her carrier. I find myself with Bernie Farber (who I'd known for many years in his role as the chief executive officer of the Canadian Jewish Congress), talking about the Ghomeshi scandal.

I mention to him that I have known Jesse Brown for years, and when the women first approached him about the assaults, I had connected him with a few lawyers to get advice about how to break the story and

avoid a defamation suit. All of the lawyers he spoke with advised him that he should not take the risk of printing the story. Jesse had called me after these consultations and said, "Sarah, I'm not looking for someone to tell me whether or not to print this story; I'm looking for someone to tell me *how* to do it."

I recount this story to Bernie, expressing my admiration for Jesse and musing that perhaps the only brave things one ever does are in opposition to sound advice. We talk about it for a while, and others join the circle of conversation, expressing their shock and horror at the things Ghomeshi has been accused of.

After some time, Bernie tilts his head sideways and says, "The strangest thing happened. A few days before the news about Jian broke, he finally got back to me about the Roma family I told you about."

Five months earlier, Bernie had sent me an email in which he asked for my help in getting a Roma family onto Jian's popular radio show, *Q*. The family were human rights workers who were about to be deported back to Hungary, where their lives would potentially be in jeopardy. Bernie was aware that I knew Jian, loosely. I agreed to pass on Bernie's request. Jian's response was not encouraging.

"thx. you can give bernie my email addy. (although there is no chance we could do this story anytime soon—show is booked solid) hope you're well. (are you well?)"

It was clear to me from knowing Jian a bit that this segment would never make it onto his show. Bernie heard nothing for months. And then, a few days before Jian is accused publicly of assaulting women, when he would have known his life was about to be blown apart (he had been in discussions for days about being removed from his job), he had suddenly responded to an old email about a story he'd seemed to have no interest in covering.

As Bernie looks off, as though trying to puzzle it through, I have the distinct sense of a vital but not immediately coherent clue being dropped into the middle of my life. This will change everything, but I'm not sure how. I don't know what it means, I only know that it has meaning. And I have the strong sensation that I don't want to know what that meaning is.

As Bernie continues to talk, I have a sinking feeling. I'm on the cusp of knowing something I don't want to know. I'm going deep inside myself. I have the sensation that I am becoming enveloped by darkness, with my tiny baby breathing in her sleep on my chest, unaware, I hope, of the racing of my heart. I say, "He's been looking at all my emails to him."

I leave the party, and as I walk the cold autumn streets home, I hear this over and over again in my head. "He has been looking at all my emails to him."

As I nurse my baby in the middle of the night, comfort my two-and-a-half-year-old after a nightmare, questions begin to form:

Why has he been looking at my emails? Does he think he might need them? Why? Is it because he thinks I will come forward? Why? Why would I come forward?

I ask my husband these questions out loud. We wonder together in silence. We are both puzzled and a little alarmed.

The next day I call my sister Jo and we talk about Jian and the allegations that he choked some of the women who have come forward. I say that I feel lucky he didn't choke me.

Jo replies that I've said that a few times since the story broke. She says she and my brother Mark have found it confusing. "Because he did choke you. Didn't he?"

I am dazed by the question.

I call Mark and ask him if he has a memory of me telling him that Jian choked me.

He says, delicately, that yes, he remembers me telling him that, years before.

My brother is a lawyer, and he chooses his words carefully. He is not prone to exaggeration or hysteria and tends to downplay things. I can't believe what I am hearing from him.

He says he has been wondering if I have been considering coming forward. He tells me to be very careful with this decision and to begin writing down absolutely everything I can remember before making it.

I start shaking. And then I start to remember.

THE PARTY STORY

Throughout my twenties and early thirties, I had a funny party story about my worst date ever. I left out my age when I told it. I left out the experience of the sex itself. I left out my hasty departure. I left out the real impact it had on me, including only that this terrible date was the reason I had remained so utterly monogamous in relationships and never had casual sex. By omitting these details, it was easy to convey this story in a funny manner, grossing people out with the details of the unbelievably stupid and awkward foreplay.

Here is the story I told, for years, about my date with Jian Ghomeshi:

I had known Jian, on and off, since I was very young. I was around twelve or thirteen years old and he was in his mid-twenties when I first

met him, at a fundraiser for literacy. I met him again when I was fourteen and was the MC for another fundraiser, this time for the Canadian Peace Alliance. He was there to perform with his band, Moxy Früvous, which I loved at the time. While another band was performing onstage, we sat together on a back staircase. He told me I was doing great. He tenderly pulled a strand of hair out of my face, tucked it behind my ear, and gazed at my face, my lips, my forehead in a way that made me think he was going to kiss me. He didn't. But I was captivated.

Over the next two years, I would occasionally see Jian at events. He asked me to appear in a video for one of his band's songs, "King of Spain." I was thrilled beyond belief, dancing with him outside the Bloor Street Cinema. (I was thirteen so forgive me, world.)

A few years later, Jian asked me out on a date. We ended up back at his apartment. I was nervous. I had had two teenaged boyfriends before, but going back to a grown man's apartment was intimidating and strange. After he had played me some recordings of his music and cursory amounts of kissing, he said, "I'm into some pretty weird stuff, Sarah. Do you think you can keep up?" In the story as I told it, I would say, in an adult fashion, a simple "No." He proceeded to stand behind me and run his hands all over my clothed body at a million miles an hour, saying, "You're in hell, you're in hell, there's devil hands all over your body, you're in hell, it's the devil!"

In the story I told, I would give a slight cringe as I recreated my reaction at the time. I furrowed my brow analytically, as though studying an unusual specimen of worm in a lab. This always got a very big laugh. When all was said and done, Jian got out his guitar and played some of his own songs to me while naked. (A friend of mine now says that this should be its own offence.) I left shortly afterwards. The experience was so off-putting, I say, that I never again had a one-night stand. In fact, I never had sex without love after that, because I didn't want to risk having such a cringe-worthy encounter ever again.

When I ran into Jian a few months after that night, at some fundraising event, I told him I was sorry I hadn't returned his calls but I had lost his number. He yelled HORSESHIT! at me, clearly upset.

I told that story a lot. It got a lot of laughs. I just left a few details out.

I left out my age, at the time of the date, which was sixteen, and his age, which was around twenty-eight.

I left out what my true answer was to his weird "devil hands" routine and to his question "Do you think you can keep up?" I didn't say "No" with a strong voice. I said, "I don't know." Because I didn't want to seem weak or unsophisticated, and I didn't know what he meant. I didn't judge him analytically as I did when I told the funny party story. I was just intimidated and scared.

I left out what happened during the sex, which wasn't at all funny.

I left out that I took a taxi home, shaking, and finding myself locked out of my apartment, used the security guard's phone to call my brother. Hearing the shaking in my voice, Mark got into his car and jettied through the night and it felt to me as though he appeared, almost immediately, out of thin air. I left out lying in bed with my sister Jo, who was living with Mark at the time, and trying to calm my breathing. I left out telling Jo and Mark that Jian had hurt me, that he wouldn't get his hands off my neck, though I tried to pry them away and managed to say, while he briefly moved them away from my neck, that I hated having my neck touched like that and I didn't want him to do that again. He did it again. I left out of my funny party story that my neck hurt, I don't know how much, but a lot, and that I had clearly expressed that I wanted him to stop. I left out how petulant and furious he seemed afterwards and how the sex became painful after that. He bent my legs back over my head and wouldn't stop when it felt that muscles were being ripped and I cried out. I left out that I expressed that it hurt and wanted him to stop and he

ignored this, looking at me with what looked like abject hatred. I especially left out the pity I felt for him, looking downcast after he was done, as though by expressing my pain I had pointed out he was some kind of freak, and how terribly hurt he looked when I wouldn't stay the night.

I left all that out because, honestly, it didn't occur to me to tell it. For me, it wasn't part of the story. It was the dark cavern in which my funny story happened. But I told pieces of it to my brother and my sister that night, and they collected me and held me as I shook like a leaf. For them, the story of a man's unwanted hands around my neck remained, even while I had managed to erase it from my own memory.

MAKING THE DECISION

I spent the next few weeks after I was reminded of that memory roaming the city, my new baby in the carrier, walking, hopping on streetcars, meeting or talking on the phone with anyone who would talk to me about whether or not I should come forward. It seemed that so many women were, either in the press or to the police. There was Lucy DeCoutere, who was bravely making her identity public, and who, when the time came, made sure she was photographed at the police station, disseminating the information that the police had treated her well, to encourage others to share their stories. There was a statement from the police chief assuring women that "if they come forward to the police, they will be treated with respect, they will be treated professionally and they will be treated with care."

He did not clarify that while the police might make this assurance, they were not the court system, a distinction that many of the women who came forward perhaps shouldn't have been expected to make on their own.

Everyone whose advice I sought said the same thing to me in different ways. I met with family members and friends who practise law, both

defence lawyers and Crown attorneys, who chose their words carefully. They told me that if I was serious about coming forward I should write down absolutely every detail I remembered. That I should take days to do this, to make sure that there was nothing I was leaving out. They said that they believed me. They said that a court likely wouldn't. There were the emails, weirdly ingratiating ones, where I was asking Jian to host a charity event I was organizing or to have the Roma family on *Q*. Who would write these sorts of emails to someone who had assaulted them? In one email exchange, Jian tells me that he will arrange to have on his show the founder of a charity I am on the board of, despite his producer's lack of interest.

He writes: "you owe me. But we knew that already . . . :p"

And I reply: "Ah. You are the best. I shall provide you with my hot sister." (He had once told me he found my older sister Jo impossibly attractive.)

It's a dumb joke, but it's also a very strange one to make to someone who hurt you. Whenever I would see him over the years, I would assume a jocular, "one of the boys" tone with him, perhaps to avoid being a woman he could flirt with or prey on. But in the end, I can't explain why I would make that joke. I really can't. It's insane.

Over and over I heard the refrain: "I would have a very hard time recommending that someone I knew and loved come forward in a sexual assault case."

When I looked at the details surrounding mine, the emails I had sent him, the friendly interviews I had done with him over the years following the encounter, which would surely be held against the credibility of my accusation, it was hard to argue that, despite all this advice, I should just come forward anyway.

Until I consulted people about whether or not I should share my story, I had never felt any shame about my sexual past or about sexuality in general. But people I respected, lawyers I knew, even therapists, were now suggesting that many people read implicit shame into things that I had never considered in the least bit embarrassing.

"People will know that you lived on your own and had sex as a teenager and they will judge that."

"When people google you, this is the first thing that will come up."

"People will imagine you naked."

I was taken aback by the suggestion that other people's judgments would or perhaps should bother me. It had just never occurred to me. Should I be embarrassed that he had hurt me? That I had been living alone at too young an age? That bad things had happened to me? That I had a body? Shame and embarrassment were not my go-to responses on these matters. But now that shame had been introduced, it seemed, at times, to take up residence.

The biggest problem with my case, I was told, was the "recovered memory." Until my brother and sister reminded me that Jian had had his hands around my neck, against my will, I had not remembered it, and I had told the story of my date with him many times, to many people, omitting this important element. Judges don't like this kind of thing. People in general don't buy this sort of thing. I asked a close confidante who'd worked as a Crown attorney for many years what I should do. She took a great deal of time to talk to me, despite juggling kids and a demanding job.

"If I were the Crown on this case," she said, "I would have a very hard time bringing your case forward."

I asked her if someone could be called on to testify about memory and how fallible it can be when trauma is involved. She thought about this deeply, but still felt it would be a hard case to bring forward given the recovered-memory issue. I expressed my concern that I was leaving three women hanging in a court system that they were likely unprepared for, and that I might be able to offer some support by coming forward. She advised that my case would not lend credibility to theirs.

Another lawyer I know well said to me at the time, "You being ridiculed in court is not going to help them seem more believable." Once, at a gathering, I mentioned that I was worried I would make a fool of myself and seem like a flake. Another lawyer said, without equivocation, "I think you're right. I agree that's how you'd come across. You're making the right decision."

There was also the not small complication that I had told my funny-party-story version of my date with Jian, omitting the violence, to friends who were lawyers working at the firm now representing him. How on earth could I explain this if questioned?

My confidante who worked as a Crown attorney paused before I left her office and said, "The advice you get from lawyers about what to do here isn't necessarily going to be the same that you will give yourself as a woman, as a mother, as a political activist."

It was the first time someone had made this distinction for me, and it felt like an important one.

Only one criminal lawyer I know, Chris Murphy, advised me, without reservation, to come forward. He said, "Say everything. Say everything about your sexual past, say everything about the ways in which you were interested in him, all of your inconsistencies, and then be clear that you know that what happened to you was an assault." It was the right thing to do, he said.

I said I was worried about the repercussions it could all have on my life. I said, "I'm the mother of two little kids."

He said, "Yes. You're the mother of two little kids. That could be an argument for coming forward as well."

I talked on the phone with a woman someone I knew had put me in contact with. She had told a story that I had heard in bits and pieces for years about "a bad experience" with Jian. Though she was fairly certain she would not come forward, for a few weeks we tried to imagine what else we could do to support the women who had. We even imagined that perhaps we could come forward, not with our own charges, but simply to back up what the rest of the women were saying. When we looked into it, it became clear that was not how the system worked. In fact, it turned out, our speaking to each other about this at all could be considered collusion. (Later, this is exactly how the supportive text and email interactions between two of the complainants would be framed in court.)

The other woman and I stopped communicating and remained quiet.

I spoke with a friend who said there might be a political reason to come forward that had nothing to do with what the verdict in a courtroom might be. Perhaps the courtroom shouldn't be the focus. Perhaps the support I could offer was through writing about my experience. When I floated this idea past the lawyers I knew, they pointed out that if I came forward publicly with allegations, the police might ask me to come and make a statement, and based on this statement, take it upon themselves to lay charges whether I liked it or not, especially given my young age at the time my experience with Jian occurred. I should be very careful; I should refrain from talking about what had happened to me with anyone. Once a criminal charge was set in motion, I would be unable to stop the wheels of the justice system from turning.

The picture that had been painted for me of what could lie ahead would not leave me. When the lawyers I knew said they would never advise a woman they loved to come forward with allegations in a sexual assault case, it was for good reason. I was told that if it went to trial, it would take years. I was told it would be the most stressful thing I'd ever experienced. I was told that many people come close to suicide by the time the process is over. I was told that it would be very hard to protect my two children (then a toddler and a baby) from the overwhelming pressure of what would unfold in my life for the next few years. Needless to say, this seemed an irresponsible risk to take, not just for myself but for my children.

I made the decision to not come forward. Now, years later, I think I can finally articulate the reasons for my silence: I had too much information about what was going to happen to me and my family (I wasn't willing to go through the arduous and hostile encounter with the criminal justice system that I realized was required of me), my memory of what exactly happened all those years ago was only recently put back together, and, perhaps most important (and most painful and humbling to admit), I knew that I wasn't strong enough.

I often wonder: how many women *didn't* come forward with allegations against Jian Ghomeshi? How many *didn't* come forward with allegations against Harvey Weinstein? We will never know.

(I want to take a moment to point out that throughout this piece I will be using words like *alleged* in front of the word *assault* when it comes to talking about the Jian Ghomeshi trial. I have also, for the most part, refrained from using words like *violence* and *coercion* though I believe they should have a place in this story. I am using this language because Ghomeshi was found not guilty in a court of law and has always maintained his innocence and I was obviously not present for the interactions between the complainants in the trial and Ghomeshi.

As you can imagine, it pains me to include these qualifications, and to soften the language of this piece, as, based on my own experiences with him, I believe the women's versions of events—in terms of both what they say happened to them and how they behaved after the incidents they described. I do not personally believe the word *alleged* when I write it. But the verdict in the trial is a legal truth that I must include when writing this piece.)

Three of the women who came forward to Jesse Brown did not go to the police. It's possible that their main goal was to make sure that Jian was outed for who he was, so that he could no longer sit on a perch of fame and lure other women into the kinds of situations they had been in. Perhaps it wasn't their desire to see him behind bars, but rather to know that he couldn't keep preying on women so easily. I wonder, though: Did these women also avoid going to the police because they had been warned, as I had been, about what the criminal justice system had in store for them? Or was it because, like me, they were concerned that their memories were too messy, their behaviour after the alleged assaults too friendly, to give them credibility on a witness stand?

Many months later, I talked to a friend who had worked at CBC Radio during the scandal. I told her my memories of what had happened that night with Jian. I told her that I had decided not to go to the police or to share my story. She listened, quietly. At the end of our lunch she said to me, "I think that at some point your moral compass is going to kick in and you won't have a choice about what to do."

At the time, I felt this comment as judgment. Now, I'm not sure it was anything but someone finding words for the sticky truth I was living with. Some part of me appreciated her saying this to me, though it made me feel sick with dread that my part in this story was not over.

LYING AND LAWYER BRAIN

The trial was a nightmare for the women who came forward. The focus, as predicted, was the women's credibility. What else is there to focus on in the absence of forensic evidence? As is the right of every person accused of a crime, Ghomeshi was never required to take the stand. There was a crush of media around the trial, and it seemed to be all anyone could talk about, in Toronto at least. It seemed inevitable, to many outside the legal profession, that this would end with the satisfaction of seeing a once powerful man facing consequences for his violence. But while a great, unstoppable movement of women sharing their stories had begun, and it seemed that wide, systemic change would be an inevitable result of this momentum, the women, when they took the stand, were subjected to ridicule.

Holes in the women's memories became major problems for the Crown's case. The fact that some of them had had subsequent encounters with Jian after the alleged assaults, which they hadn't previously revealed, and had written him flirty emails and letters after the time of the alleged violence, were used to try to prove that they couldn't possibly have been assaulted by him. (Jian had kept hold of these letters and communications for years.) Lucy DeCoutere was made to read out the last line of a letter she had written to Jian after he had allegedly assaulted and choked her. The line read: "I love your hands." Compelling her to read these words felt like cruel theatre, the kind of knife jab that earns Jian's lawyer, Marie Henein, the praise of other lawyers when they describe her, admiringly, as "going for the jugular." It seemed unnecessary to add such a dramatic flourish to the cross-examination. The letter would have read no differently, but could have been a less humiliating experience, had Lucy not been compelled to read those words herself in front of a packed courtroom. Lucy swears that she hadn't remembered that letter until it was presented to her in court. Perhaps no one except a victim of sexual assault, or someone who is familiar with how people behave after trauma, could believe that

it was entirely possible that someone who was assaulted could write this letter to their attacker, to try to normalize a terrible situation, or to make the attacker feel better for being rejected after the abuse.

It can seem perplexing from the outside, this pull that many women experience to make things better for those who have hurt us. The impulse to smooth things over to keep ourselves safe, as well as the constant messages many of us have received in our lives to "make things nice" no matter what harm has been done, can be so deeply rooted that it often results in behaviour that can later appear nonsensical to an outside eye. (The betrayal of oneself that results from this "making things nice" with an attacker can also make one bleed on a subterranean level.)

Dr. Lori Haskell, a renowned clinical psychologist who has written and presented extensively on the impact of trauma in sexual assault cases, writes: "Some sexual assault victims may continue to date their assaulters in an effort to neutralize the trauma or regain some control over an event that left them powerless. In fact, many reach out to their attacker again specifically to try to regain power in the relationship. While others explain that they believed he may acknowledge what he did and apologize."

When I look at my interviews with Jian on *Q* many years later, I am taken aback by my demeanour. I am bubbly and giggly. I try to make things feel normal even as he consistently tries to throw me off. In one interview he seems bored, looking up only occasionally from his notes with dead eyes. He sometimes mocks what I say in subtle ways, and I visibly flush with embarrassment.

In an interview for my film *Take This Walk*, he asks me whether monogamy is natural. In a fairly undogmatic manner I suggest that I think it probably is. He brings it up again and asks me why I am suggesting that. Is it not just a cultural convention that has been imposed

upon us somehow? I finally say that I feel I'm talking about something I don't understand at all, and I make fun of myself for being overly confident with my initial answer.

The film we are discussing is about someone leaving a relationship, so his question is not off topic, but he seems to relish diving into the most uncomfortable topics he can, ones that other interviewers haven't focused on during the extensive promotion of this film. He asks me about a scene where a character talks, graphically, about what sex with the main character would be like.

"Is talking about sex with someone other than your partner an act of infidelity?" he asks.

I smile. I answer the question as best I can. Inwardly, I hate these questions and I am deeply uncomfortable having this conversation with him. But I am good-natured, almost flirty, and happily diminish myself.

At one point I refer to myself as "completely oblivious to everything in the world, it seems." It's not just self-deprecation; it's self-flagellation. I am thirty-three in this interview, not a sixteen-year-old actress, and I haven't interacted with anyone, press or otherwise, in this flighty mode in a long time. I am, in interaction with him, no longer someone who makes their own films or has a voice. Somehow his very presence has taken who I have become away from me. To someone watching the interview, I would look happy to be there as well as deferential and almost obsequious. What I *don't* look like is a woman being interviewed by a man who assaulted her.

I manage to deflect or awkwardly navigate every uncomfortable question. He says, "Let me come back to the, talk about relationships in this film before I let you go . . . Do you still consider yourself a romantic?" Cause I know you did, in the past.

"I guess it's because of the films you make but, I always feel like when I'm interviewing you it's really . . . I'm asking you about relationship and love advice."

I shriek, "I KNOW!" I laugh loudly and awkwardly.

"This is like the third time. 'So . . . tell me about love,'" he says, doing an impression of himself.

I try to keep the jokes going. I try to play along. I try not to succumb to how incredibly awkward this conversation is.

He ends the interview by saying, "I'd be a lot, a lot more critical of the film but you're pregnant so I have to go easy on you . . . I just can't be honest anymore."

I laugh uproariously, as though he has just made the best joke of all time. But I know him well enough to know that he is telling the truth. He didn't like the film and he wants to make sure that I know it. Nearly every interaction I've had with him over the years, at fundraisers or parties or interviews, ends on an only partially buried, jagged note of meanness.

Later that year I did an interview with him as part of the release of my documentary *Stories We Tell*, which is about memory, my family, and revelations about my family of origin. In this interview, I am even smilier, even more of an ingénue, giggly and foolish, not presenting myself the way I believe I normally did at that time of my life.

He asks me if I'm uncomfortable doing interviews for a film so personal. He says, "We're friends and we've known each other for a *long* time. And approaching an interview like this I kind of go, well . . . I don't want to get too personal with Sarah, I don't want to make her uncomfortable . . ."

At which point my hand unconsciously goes up to my neck. A shadow passes over my face, almost like an echo of a memory has been provoked by his suggesting that he might make me uncomfortable. (Indeed, my neck has remained a no-go zone for everyone in my life. My kids do an impression of me screaming “DON’T TOUCH MY NECK!” whenever anyone even accidentally brushes against my neck, I have a primal reaction of terror and fury, I believe ever since that night decades ago.)

At some point in the interview I talk about why I think we tell stories. I say that I think it is necessary to create stories to make sense of our bewildering lives, to create a narrative around them, to have something to grasp onto in the chaos. When I watch myself give this answer now, years later, I imagine that my subconscious is working on something: it is working on the story of what happened with him that night, it is working to make sense of it, it is working to normalize the current moment, and it is also working to hide the true story from myself.

Towards the end of the interview he says, “It’s hard not to fall in love with you . . . and your honesty in this film.”

As the interview wraps up I think to myself, “Wow. He didn’t say anything mean this time.” But as soon as the mics switch off he looks at me with an ugly, angry expression on his face and says, “Aw *FUCK*. I *thought* you were going to plug *my book!*”

He had sent me a copy of his memoir, *1982*, a few months earlier. I hadn’t read it, but I had lied and said that I had. I didn’t know that he had wanted me to sing its praises on his show. I feel an inexplicable feeling of having failed him, of guilt, and also, bewilderingly, fear. I apologize. I tell him that I meant to say something about it but I forgot. He is penitent and gives me a half-hearted goodbye. As I leave the studio I tell his producer, “I feel so bad about not talking about Jian’s book.” The producer rolls his eyes and tells me not to worry. “Jian plugs it every chance he gets,” he tells me.

After every interview I do with Jian, people who have heard it ask me if I have had a relationship with him. He makes it seem that way with his questions. I make it seem that way with my overly accommodating demeanour. It sounds like flirting. It sounds like we are close. Or, perhaps it sounds like someone who has been assaulted trying to make everything okay.

I tell these stories because if I had come forward and said that Jian had hurt me, these interactions would have been used as evidence that he did not. I would have been made to seem like an idiot, like a ditz, like a liar. Any accusation of inconsistency or lack of credibility that was tossed at the women who were so mercilessly cross-examined in that courtroom could have easily been thrown my way as well. Had I not let years pass before telling this story, I’m convinced that I would not have felt that I could say everything. I would have concealed things. I would not have thought to offer stories of my embarrassing or inconsistent behaviour to the police or the Crown attorneys or the media. These omissions in the complainants’ testimony sank the case and the credibility of those women in the eyes of the judge and many in the media.

I was shocked that some of my lawyer friends, who knew I had been hurt by Jian, took to mocking the way the women spoke at the trial, doing impressions of Lucy’s police statement, and even going as far as to say that given that they’d lied on the stand, perhaps *they* should be the ones to go to jail. They said this to me openly, without reservation, while believing I had also been hurt by him. If I tried to defend them with the notion that many women who are assaulted may not tell the whole truth to cover up some embarrassment or, more likely, don’t remember some of what happened during or after the assaults, I was met with variations of the argument that “to lie is not a good starting point. We can’t just look at these cases with the starting premise of ‘People lie.’ It’s not a good premise.”

But people *do* lie. All the time. About all sorts of things. And I don't believe *lying* is the right word for the kind of inconsistencies that are common when someone tries to remember and relate the experience of being traumatized. One Crown I spoke with said that his focus is often on sifting through the dozen or so inaccuracies a complainant has inevitably told him about the surrounding details of an assault in order to get to the real story, even when he is fairly certain the complainant is telling the truth about the violence they have experienced. What, then, are we to do with the uncomfortable fact that people who have been traumatized do not often have a handle on the whole truth or are covering up some surrounding details of an assault out of shame or embarrassment? Are we trying to wedge the unruly reality of responses to sexual assault to fit into a rigid idea of truth in our criminal justice system? Is there any way to make room to accommodate the truth of the nature of this crime and the impact it has on people? What if lying is a sometimes unavoidable byproduct of what happens when someone experiences this kind of trauma? And what if much of what we are interpreting as lying is actually the blocking out of traumatic memory? Can our criminal justice system make room for this erratic but common human behaviour? All I know for sure is that we all occasionally have difficulty with the truth—especially when we are ashamed or traumatized. To say that we can't start from the premise that people sometimes lie even as they tell the truth is to ignore an important truth about human nature.

It was remarkable, seeing the lawyer brains overtake the human ones in people close to me. They believed my story, but they were still so attached to the supremacy of truth with a capital T that it was possible for them to mock these women and be furious with them for not being perfect witnesses.

After they lashed these women for their behaviour, I would sometimes hear these same people say, "But I'd love to get that asshole on the stand at a civil trial and cross-examine him." This seemed to demonstrate to me an incredible capacity for a kind of Orwellian double-think. They

believed Ghomeshi was guilty of assault. But the details these women had provided—what happened before and after—weren't unassailably true. And that, in their eyes, made those women villains.

When I am at my most dismayed by this capacity within these lawyers to drain the empathy out of their bodies so efficiently, I remind myself of my experience walking through the Kingston Penitentiary in Ontario. I produced a miniseries at this recently closed maximum security prison in 2016. It was horrifying to walk the length of those rows of narrow cages, to see the way we lock people up in spaces too small for humans, with incessant noise and light, in a manner that one only hopes is looked back on, in the not too distant future, as barbarism. I remind myself that the lawyers I know are defending people who are facing this kind of animal-like future, and if I am to be honest with myself, I don't believe that anyone should be treated this way, regardless of guilt. This knowledge, of the lack of liberty that may lie ahead for people found guilty of serious crimes, makes the lawyers I know ferocious in the defence of their clients, and rightly religious about the principle of innocent until proven guilty. One former Crown attorney I know told me about being part of a process to put a man in prison and then later being confronted with evidence that he had been convicted based upon the lies of another person. This lawyer remembered, vividly, seeing this man stand outside the courthouse after being acquitted on appeal, taking a drag of a cigarette, and looking up at the sun as he took his first breaths of fresh air as a free man in many months. This image haunted him throughout the rest of his career. Thinking about this man, and knowing he had played a part in taking away his freedom for a portion of his life, brought him to angry tears, even as he told the story years later. He vowed to fight this kind of injustice for the rest of his life.

The burden of proof must be very high if we are to contemplate taking away someone's freedom. Of course I agree that no one should face so dire a consequence as going to prison if they are not proven to be guilty beyond the shadow of a reasonable doubt. My question is: do women

who come forward in sexual assault cases need to be destroyed in the process of our looking for those shadows? It's a genuine question.

Elaine Craig, in her book *Putting Trials on Trial: Sexual Assault and the Failure of the Legal Profession*, quotes a woman who, after a year-long trial that resulted in the conviction of her attacker, said, "The bulk of my rape trauma is not the result of the sexual assault itself but of the brutality of the legal system. This trauma is difficult to understand for those who have not lived it."

Later Craig writes, "It is of course true that the adversarial nature of our legal system, and constitutional protections such as the right to full and fair cross-examination, mean that testifying as a complainant in a sexual assault trial will likely always be psychologically challenging and unpleasant. The criminal justice system is not designed to heal those who have survived sexual harm. But nor should it operate to effect a 'second rape.'"

Most of the lawyers I have spoken with insist that nothing should change in the way that sexual assault cases are tried, that defence lawyers generally behave very well in courtrooms and in accordance with Canada's very progressive rape shield laws (Craig's book disputes this claim), but that they would, once again, *never* advise a woman they loved to come forward in a sexual assault case. How they manage to hold both these beliefs simultaneously and confidently is endlessly fascinating to me.

The complainants who testified against Jian Ghomeshi described the experience of being on the stand as excruciating. Jian was acquitted on the four counts of sexual assault and one count of "overcoming resistance" by choking. When I read the following lines of Justice William B. Horkins's ruling, I was rattled by how relevant it was to my own case. I was also struck by this demonstration of the human tendency to judge reality according to our expectations rather than evaluating our expectations according to the way they match, or don't match, that reality.

"Each complainant in this case engaged in conduct regarding Mr. Ghomeshi, after the fact, which seems out of harmony with the assaultive behaviour ascribed to him. In many instances, their conduct and comments were even inconsistent with the level of *animus* exhibited by each of them, both at the time and then years later. In a case that is entirely dependent on the reliability of their evidence standing alone, these are the factors that cause me considerable difficulty when asked to accept their evidence at full value."

Later the judge writes: "The harsh reality is that once a witness has been shown to be deceptive and manipulative in giving their evidence, that witness can no longer expect the Court to consider them to be a trusted source of the truth. I am forced to conclude that it is impossible for the Court to have sufficient faith in the reliability or sincerity of these complainants. Put simply, the volume of serious deficiencies in the evidence leaves the Court with a reasonable doubt."

Grief and anger from the supporters of the women followed the verdict. But while a not-guilty verdict is not the same as proclaiming someone innocent, this is often how it is interpreted by the general population. "Not guilty" quickly became conflated with "innocent" for many people after the trial, and some now ascribed guilt to the women who had come forward, because of the inconsistencies in their behaviour and testimony. People who had remained quiet and polite during the #JBelieveLucy days now openly said that they didn't trust these women. People don't like ambiguity, however much it may hold a place in, and inform, their own lives. People like answers. The verdict served as an answer for many. Once I found myself in a heated argument on a streetcar with a complete stranger who had been ranting to her friend about the women in the case being "liars." I blurted out that if the women who had been in that courtroom were liars then so was I. I told her what I believed to be true based on the stories of the women who had come forward and my own experiences as someone who hadn't: that I believed there were likely others like us who hadn't

come forward. The woman who had been ranting became quiet, and we sat in silence until the next stop where I got off, rattled by myself.

A few months later, Ghomeshi signed a peace bond and formally apologized to his former producer, Kathryn Borel, for “inappropriate” behaviour as part of having a sexual assault charge withdrawn. He never admitted to doing anything illegal, but it was the first and only time he had opened his mouth publicly to address the allegations since he was charged.

In 2020, Jian Ghomeshi re-emerged with a podcast on the Iranian diaspora, supported by a financier who has been quoted as saying he “never believed” the women. But so far, Ghomeshi has not resurfaced as a cultural figure in any major way; his two previous attempts at a comeback via another podcast and an essay he wrote for the *New York Review of Books* were drowned out by public outrage.

The legacy of Ghomeshi’s acquittal is mixed. As recently as 2019, the journalist Robyn Doolittle referred to him as “the original #MeToo casualty.” I wonder if, despite the nightmare the complainants endured, he was, perhaps, the first #MeToo victory. While he could not be convicted in a court of law as Harvey Weinstein was, he had to, reputationally and career-wise at least, face the consequences of his conduct towards women.

A couple of years ago, I sat on a panel discussing the #MeToo movement at the University of Toronto’s Faculty of Law. Afterwards I met Linda Redgrave, one of the anonymous complainants in the Ghomeshi case, who had since identified herself. I didn’t tell her about my own experience with Jian, but we talked for a long time. She had started an organization called Coming Forward, to support survivors of sexual assault and to educate complainants on how to prepare for the court system—something she didn’t feel she’d had the benefit of. We talked

at length about how brutalizing her experience of the court system had been, how much she had discovered after the fact about her own memories, and memory after trauma in general.

At one point in our conversation Linda said, “I’d like to be redeemed one day.”

LUCY AND ME

In 2017, years after the Ghomeshi trial, I ran into Lucy DeCourtere after a screening of *A Better Man*, a documentary about violence against women. She was talking with a small group of people I knew. She looked at me, gently, and said, “I’m just talking about the Jian Ghomeshi trial. I’m not sure if you followed it at all.”

My breath caught in my throat. I said, “Yes. I followed it very closely. For a bunch of reasons.”

She said, “I think I know one of those reasons.”

I realized in that moment that she knew. She had heard what had happened to me and she also knew that I had not come forward to support her. I trembled as I told her my memories of what had happened. I tried to explain why I didn’t come forward. I said: “I had two tiny children. I was told it would drag on for years, that it would destroy me, that I would come close to suicide.”

She reared up and said, “I didn’t get any of that advice. No one told me any of that. And that is exactly what did happen. And no one prepared me for that. I’m only happy for the women who didn’t come forward. I know there are lots of them. If you need to hear from me that I’m cool with it, I am. It’s okay.”

She gave me what I think is the strongest, biggest hug I've ever received and said, "I'm so sorry that happened to you. You were so young."

I gasped at her empathy as she held me in her arms, and I tried to imagine how the people who didn't believe her, who had mocked her, would process this moment of pure authenticity and selflessness if they could see it.

When I told a mutual friend about what Lucy had said to me, how she had hugged me, she cried and said, "Lucy is an emotional giant."

TELLING THE STORY

If I had told my story publicly at the time, here is what I would have wanted to say: I blocked things out, I hid things, I was ingratiating towards him, I didn't behave in any of the ways a "good victim" is supposed to behave. I don't remember a lot. A lot of the details I have laid out here I omitted at various points along the way. But I remember his hands around my neck. I remember him causing me pain. I remember saying no and trying to resist and that not being enough. And that, despite all my other lapses in memory and faults in my character, I know for sure.

I don't know if what happened that night would have resulted in a conviction. My guess is no. My memory may be unreliable on some of the details; my story has likely changed in increments I don't even notice over the years. But I know that he hurt me and I didn't want him to. I know that I asked him not to. I know that he didn't listen for a while, but I don't remember how long that while was. I know that I spent time trying to pry his hands off my neck and it didn't work until I was in a lot of pain. I know that I was a teenager and that he was much older. I know that I didn't call it assault at the time, or for years later, and neither did anyone else. I know that I was nice to him, always, after it happened, even ingratiating, and to watch my

interviews with him in the following years is a humiliation. I would have said that I believed the women who came forward, because their stories sounded so similar to my own; his behaviour and petulance and self-involvement sounded so familiar. I believe those women because the erratic way they behaved later, the inconsistencies in their stories, the gaps in their memories, all reminded me of my own behaviour, my own memory. For me, those inconsistencies were as much evidence that they were victims of sexual assault as it was for others that they hadn't been.

As I write this now, years later, I think of the advice that lawyer Chris Murphy gave to me long ago. "Say everything. Tell the embarrassing parts. Tell the truth." I don't think it's that easy to access the truth, or to remember to say everything, but I'm trying now.

When the sexual assault allegations against Harvey Weinstein came to light in 2017, I was asked to write an op-ed in the *New York Times*. I wrote: "There's no one right way to do any of this. In your own time, on your own terms, is a notion I cling to, when it comes to talking about experiences of powerlessness."

I also wrote back then:

"I hope that the ways in which women are degraded, both obvious and subtle, begin to seem like a thing of the past. For that to happen, I think we need to look at what scares us the most. We need to look at ourselves. What have we been willing to accept, out of fear, helplessness, a sense that things can't be changed? What else are we turning a blind eye to, in all aspects of our lives? What else have we accepted that, somewhere within us, we know is deeply unacceptable? And what, now, will we do about it?"

When I sent a draft of the *Times* piece to a friend to proofread, she sent helpful comments. She also wrote, "You don't have to submit this, you

know.” She knew that the last question I had written was to myself, and that it was an unresolved one.

I also wrote this: “I hope that when this moment of noisy sisterhood dissipates, it doesn’t end with a woman in a courtroom, being made to look crazy, as these stories so often do.”

We had a trial run of the #MeToo movement in Canada with the Jian Ghomeshi case and #BeenRapedNeverReported and #IBelieveLucy. When the movement ran into a courtroom it was a train crash, engines on fire and gears mangled and shooting in all directions.

I’ve often wondered if the history of the Ghomeshi case explains why so few men of power in Canada were accused during the #MeToo movement when it seemed so many powerful men were losing their positions elsewhere. We’d already lived it up here, and it hadn’t gone the way we thought it would. The most high-profile case in Canada post-Ghomeshi was addressed through a civil suit, where the complainants have more control, framing the question, asking for the remedy that is meaningful to them, and deciding when to start, move, and stop. It was unsurprising that the women in that case did not opt to participate in the criminal justice system, after what they had witnessed in the Ghomeshi case.

For so long, I had been holding my breath and waiting, nauseously, for Harvey Weinstein’s acquittal, for the complainants to be ridiculed for “lying,” for proof, once again, that the world hadn’t changed as much as we had hoped it had. Certainly, watching holes poked in their memories and emails, and the attacks the defence launched on their characters and too-human behaviour, made it seem as though this case would go a familiar way.

When Weinstein was found guilty, alongside the surge of relief I felt that this case didn’t end terribly for the women who came forward, I also found myself in possession of a profound ache for the wounds

that the women in the Ghomeshi case, and in so many other sexual assault cases, still bear. They too walked through hellfire, but with no expert witnesses called to explain the effect trauma has on memory, no post-#MeToo jury to hear their case, no “watershed” verdict finale to be universally lauded for. I ached for the profound misunderstanding people had of their subsequent contact with the accused, and the derision of their typical behaviour after the alleged assaults took place. I ached for the judgment they endured, in so many legal judgments. I couldn’t stop thinking about how the attacks they endured on their credibility were the same attacks that so many of us who have experienced sexual assault would be subjected to if we shared our stories, no matter how hard the truth of our assaults.

Law professor Melanie Randall writes: “[The] limited appreciation of the nature of traumatic responses is, undoubtedly, an expression of a broader lack of understanding of, and information about, the complexities of human psychology and human behaviour within the legal system. This failure is particularly sharp in terms of legal responses to sexual assault, as it is entrenched within the many myths about sexual assault, including conceptions of authentic and credible (read ‘ideal’) victims.”

In Justice Horkins’s ruling in the Jian Ghomeshi case, he wrote the following about one of the complainants not revealing information: “She said that this was her ‘first kick at the can,’ and that she did not know how ‘to navigate’ this sort of proceeding. ‘Navigating’ this sort of proceeding is really quite simple: tell the truth, the whole truth and nothing but the truth.”

So many of us who have been sexually assaulted know that remembering the truth, knowing the truth, and telling the truth about it is anything but simple.

How extraordinary to think that the rest of the world may be beginning to know that too.