

In Light of the Ghomeshi Trial Aftermath

Tim Min

March 26, 2016

After following the Ghomeshi trial, I thought up a little mental experiment.

Let's say there are five people, and it ends up being that exactly four must have participated in a crime, while the last person is completely innocent and separated. It is highly unlikely a body of evidence could result in this situation, but bear with me.

Is it better to convict all of them - thus making sure all wrong is punished but one innocent is unfairly implicated - or to convict none of them - thus making sure innocents are never implicated, but surely letting four wrongdoers go?

How would this change based on the number of people and the balance?

The reason why I post this question is this: Is it better to always request a "smoking gun" or absolute victim credibility in trials of this nature to always ensure correct convictions, or is it better to side with complainants to make sure they are not unfairly being dismissed because of various societal views on victims? It's a really tough philosophical question: is it better to hurt innocents in punishing the guilty, or to spare the guilty in protecting the innocent?

I must say I am siding (and in some ways regrettably) with the latter.