

Disclaimer

Borrowing from Joanna Bourke, in this book the central facet of what constitutes sexual violence is whether a person identifies what happened to them as a negative experience that was sexual in nature and unwanted, coerced, or not consensual, however they want to define those terms.¹ Therefore, if someone – either in the news, case law, or my research – identified their experience as sexual violence, I accepted their claim. This definition of sexual violence does not claim normative status, nor does it claim to be “truth”; rather, there is neutrality regarding the veracity of any claim.² Such an approach allows us to problematize a particular element of the issue: defamation lawsuits that follow the disclosure or report of sexual violence. The intention here is not to examine or make a judgment about the truth of the claim; the purpose is to examine the consequences of litigation, or the threat of litigation, for making statements about sexual violence.

Every man named in this book has denied the allegations of sexual and gendered violence made against him. A majority have resorted to legal action to vindicate their reputations, with varying degrees of success. This book is not about any single individual; it is a systematic examination of defamation law and the institutional structures that contribute to the silencing of sexual violence discourse. Canadian defamation laws, as this book demonstrates, do little, if anything, to protect those who speak publicly about sexual violence.