**When media become dispensers of justice**

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**In which circumstances can our notions of justice accommodate trials by media?**

LIKE many of my generation who grew up watching Hey Dad! on television, it has been hard for me not to take notice of the allegations of sexual  abuse implicating actor Robert Hughes.

We are all, I assume, familiar with the claims that have aired on the Nine Network's A Current Affair and splashed in the pages of Woman's Day. There have been onscreen revelations from actress Sarah Monahan. There have been damning corroborations of her account from her fellow actors. And, yes, a crusading Nine reporter even chased down Hughes at a set of traffic lights in Singapore.

Connoisseurs have had much to savour.

At the heart of the episode is a very serious matter indeed. The allegations by Monahan are grave and, if proven in a court of law, may result in a criminal conviction for Hughes. Though Hughes has strenuously denied wrongdoing, anyone who has seen the ACA interviews would find it hard to deny that Monahan sincerely believes in the truth of her claims.

Let's get one thing clear. In a civilised society we must uphold the presumption of innocence, traditionally referred to as the "golden thread" in the tapestry of our criminal law.

We may well ask: Wouldn't it have been better if Monahan had filed her complaint with police directly rather than broadcasting it via the media?

Haven't the events of the past fortnight all but guaranteed Hughes won't receive a fair hearing, as is his right, if and when a criminal charge is brought to trial?

Commentators have pointed out that speaking out in public rather than in court can have a therapeutic benefit for victims of sex crimes: it can heal and empower (among other things, by emboldening other victims to come forward about their experiences). For many of us, justice wouldn't be justice unless there is some cartharsis or dramatic vindication. Perhaps for this reason, ACA found an unlikely source of support from ABC1's Media Watch presenter Jonathan Holmes, who noted that "for all the occasional tackiness, and sensationalism, and for all the undeclared cheques passing hands, ACA this week shone a light into dark places, revived long-buried memories, and came up with something that feels to me like truth".

Such defences of trials by media must give us cause for concern.

Resorting to avenues outside the criminal justice system to expose a wrong may be justified when the legal means of redress have been tried and failed.

In this particular case, however, the "last resort" argument doesn't apply: the legal options have yet to be exhausted.

We should also be cautious about defining justice in terms of therapeutic release. It is revealing that the ancient Greeks understood the purging of emotions as something to be done in the realm of performance.

Catharsis, as German philosopher Hans-Georg Gadamer explained in his commentary on Aristotle's Poetics, is the common experience that spectators of a drama have in affirming some tragic suffering.

If public sympathy for Monahan should be anything to go by, this scandal may have met such cathartic expectations already.

Yet one can't help but wonder whether it is as much farce as it is tragedy.

After all, justice is dispensed in the courtroom, not before some cameras in some TV studio, and certainly not in the pages of some trashy magazine. We can only hope that the integrity of our legal process doesn't suffer as a result.

*Readers are invited to suggest subjects for future pondering. The email address:* [*philosophercolumn@gmail.com*](mailto:philosophercolumn@%20gmail.com)

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