



Photograph: Bloomberg

CRITICAL MOMENT

SNAPSHOT OF A COMMUNICATIONS TURNING POINT
MAY 15 2011

“Justice should not only be done, but should be seen to be done.”

In the US justice system, this aphorism is exemplified by the “Perp Walk” – the public parading of the accused in handcuffs before any verdict on their guilt. It is a long-established ritual that has been enshrined by the media and is the modern equivalent of the pillory. In Manhattan in particular, it has a long tradition of being imposed on “white collar” criminals. Long before they faced trial, we had indelible images of the crumpled and shackled figures of Raj Rajaratnam, Ken Lay, Lea Fastow and John Rigas, being offered up to a mob of photographers and TV cameramen.

The point for public consumption is that money does not buy immunity from the law – a powerful, if of course illusory, article of faith in the US. On the contrary, the rich businessman is treated the same as the common criminal – or at least the same as celebrated criminals, such as mobsters and serial killers.

So the notion that Dominique Strauss-Kahn, the former International Monetary Fund chief, might somehow be exempted from this custom was always fanciful. The prosecutors must have been fully aware that they would outrage *Le Monde* and the French intelligentsia (philosopher Bernard-Henri Lévy shrieked about “cannibalization” and “high torture”). But the alternative would have been to offend local sensibilities by appearing to offer special treatment to a man who exemplified the global power elite.

Not a tough decision for New York’s elected district attorney.

MICHAEL FRANCE —

Partner, Brunswick, New York

