

The Hollywood Accusations of Sexual Harassment: A City on a Hill, or The Weinstein Effect

By [John Stepling](#)

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Freed from the sublimated form which was the very token of its irreconcilable dreams—a form which is the style, the language in which the story is told—sexuality turns into a vehicle for the bestsellers of oppression. — Herbert Marcuse, One Dimensional Man, 1964

I see it all perfectly; there are two possible situations — one can either do this or that. My honest opinion and my friendly advice is this: do it or do not do it — you will regret both. — Søren Kierkegaard, Either/Or, 1843

*The accusations of sexual harassment and sexual assault against celebrity (mostly Hollywood) men by women who, mostly, worked under them in some capacity, or were trying to further their career with acting roles or writing jobs, etc. have created a public response not reached since the *Recovered Memories* epoch of judicial debacles and mob hysteria a couple decades back. But two things have struck me about the rise in fervor, as it's experienced on social media and in mass media, and that is that almost none of these celebrities is accused of rape (Weinstein is accused of rape in one case, which he denies). And yet the topic of rape is argued all the time from both genders.*

A *Teen Vogue* writer suggested that locking up a few innocent men was a small enough price to pay to get rid of (her words) *patriarchy*. Never mind, I know. But still, it's out there, the zeitgeist. And the second thing is that race mediates this discourse in ways that are largely invisible. The vast majority of women commenting on social media, that I have read, are white. Almost all are educated. The celebrity accusers are almost all white.

Now, there seems to be two hidden aspects to this public phenomenon; one is race, as I say, and the other is the normalizing of punishment as a principle — and more, an amnesia regarding civil liberties, the rule of law, due process, the 6th Amendment to the Bill of Rights, and the UN Declaration of Human Rights. All of which stipulate the presumption of innocence. As well as the right to a speedy trial and the right to face and question one's accuser.

Every person accused of a crime should have their guilt or innocence determined by a fair and effective legal process. But the right to a fair trial is not just about protecting suspects and defendants. It also makes societies safer and stronger. Without fair trials, trust in justice and in government collapses.

— [Jago Russell](#)

But then, this idea of presumed innocence, along with unanimous verdicts and the like, are gradually being phased out of Western legal practice. The EU, for example, is embracing *Corpus Juris*, a system friendly to things like the Inquisition. It will reach the shores of North America, rest assured. And this trial by twitter is the front edges of that migration of draconian anti democratic autocratic jurisprudence. The canary in the mine shaft as it were. Almost all of the men accused in the fallout from the Weinstein story have left their jobs. Most deny the accusations. But almost all have had careers ruined.

Now, in the US, close to 4000 black men were lynched in the U.S. between 1887 and 1950. Most in the South. With Alabama and Mississippi leading the way.

Terror lynchings were horrific acts of violence whose perpetrators were never held accountable. Indeed, some “public spectacle lynchings” were attended by the entire white community and conducted as celebratory acts of racial control and domination. () Large crowds of white people, often numbering in the thousands and including elected officials and prominent citizens, gathered to witness pre-planned, heinous killings that featured prolonged torture, mutilation, dismemberment, and/or burning of the victim. White press justified and promoted these carnival like events, with vendors selling food, printers producing postcards featuring photographs of the lynching and corpse, and the victim’s body parts collected as souvenirs.

— Stewart Tolnay and E.M. Beck, *A Festival of Violence*, 1995

A good many lynchings were precipitated by accusations of rape. In fact, the entire psychological underpinnings of white supremacism carries a sexual connotation.

Make any list of anti-black terrorism in the United States, and you’ll also have a list of attacks justified by the specter of black rape. The Tulsa race riot of 1921—when white Oklahomans burned and bombed a prosperous black section of the city—began after a black teenager was accused of attacking, and perhaps raping, a white girl in an elevator. The Rosewood massacre of 1923, in Florida, was also sparked by an accusation of rape. And most famously, 14-year-old Emmett Till was murdered after allegedly making sexual advances on a local white woman.”

— Jamelle Bouie, [The Deadly History of “They’re Raping our Women”](#), Slate, June 18, 2015.

Now, again, to return to the current climate of white feminist outrage at, not rape, but what legally passes for in most states, ‘sexual assault’, or ‘sexual harassment’. To be clear, sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. (29 C.F.R. § 1604.11 [1980])

In most cases under scrutiny by media, there is no work related causation, other than the implicit coercion that authority carries with it. And this is very much to the point. Those white educated mostly affluent women outraged over unwelcome advances, are not asking for compensation in relation to missed work. They are just angry at the indignity and humiliation of white patriarchy and obnoxious and even, often, threatening white bosses. And sometimes not even bosses. I've heard a lot of complaints about cat calls and subtle looks and touches that are all borderline legal problems for the perpetrators. There is only partially submerged or hidden trope in the public narrative around this celebrity misconduct. And that is race.

Whites could not countenance the idea of a white woman desiring sex with a Negro, thus any physical relationship between a white woman and a black man had, by definition, to be an unwanted assault.

— Philip Dray, [At the Hands of Persons Unknown](#), January 2003.

Now, there is something else being obscured in all this hashtag outrage. And that is the criminality and coercion of all labor under capitalism. Remember, too, that there is silence thus far from the most vulnerable women working in the West; au pairs, maids, factory workers and the like. Many of whom are immigrants or from immigrant families. Also, the most acute violence directed at the working class can be found in the near servitude of citrus pickers and migrant workers in states like Florida, California and Texas. There is very little media attention given to this.¹

And one could also examine the actual rape conditions of American prisons and county correctional facilities (see below). The clear rape by proxy of young people intentionally put into cells with sexual predators. This is the disciplining of the underclass via sexual violence.

But back to celebrity wrongdoing. The Kevin Spacey saga is interesting because Spacey is gay and the conditions and cultural signs are not really the same. The long standing marginalization of the queer community and the history of closeted movie stars is all pretty well known. Gay men were, historically, highly vulnerable and provided with almost no legal protection. So it is worth pondering the chorus of condemnation directed at Spacey. I have no doubt Spacey is guilty, at the very least, of being a powerful white man who abused his position and maybe worse. Maybe much worse given his history of familiarity with Jeffrey Epstein and the Clintons.

But that is not today's topic. The ever more conservative culture of white gay America is clear. And it is a reaction to those decades and decades of violence directed against it. But as in straight America, the most vulnerable are the poor, and much of the trans community. The affect and influence of physical beauty plays into these narratives in a profound way. As does the commodification and fetishizing of youth and beauty in the society overall. The selling of seduction. And in Hollywood, sex is the currency driving the industry. There is a massive business in personal trainers and cosmetic surgery. And in youth. So, one is talking about a country in which Puritan values run into their flip side in the selling of sex, both literal and figurative. But then the most repressive countries of the world, and historically, also have the most incidents of sexual violence.

It is useful perhaps to revisit Marcuse's notion of repressive desublimation. The 1% (or ruling class) are there to distract the populace from the growing economic chasm between

themselves and the rest of us. And this is done by providing cheap satisfactions. The system grants the illusion of reform but simply repackages the same. White male power will now adjust to present itself as caring and sensitive to causing offense. Or will there be genuine structural and substantive change? The odds are against change if it challenges the ruling class. I also have noticed a new sort of white male subject position that insists on being the most feminist man in any discussion, and publicly self lacerates as evidence of his personal evolution. The confessional element in public discourse today looms over all of this.

But I want to return to race a moment, here. Black male artists and performers were killed for having sexual or romantic relationships with white women (Sam Cooke comes to mind, or the well known story of Sammy Davis Jr. and Kim Novak). America was a slave owning society. It was built by slave labor, and to an only slightly lesser degree by immigrant labor. White men control the seats of power. They did in colonial America and they do today. There is an indelible psychoanalytical theme buried in American history and it turns on the vicious lynch mobs and race riots of the last century and before, and on the genocide of Native Americans. And it can be seen in the history of the so called *Indian Schools* that forcibly took young native Americans from their families and placed them in boarding schools where the intention was to beat the *Indian* out of them (see Dennis Banks, who died just this last month). For there is something that had to be pacified and neutralized in indigenous peoples, just as there was in the former slave communities that were black America. And this is the narrative of White Supremacism. And it goes back to the first European ships landing on the shores of North America. The Puritan zealots, repressed and anal sadistic, and all the various sub categories of dissident Protestant sects that settled what is now the United States, shaped the identity of authority in this new country. They instilled a sense of superiority and purity — of moral cleanliness.

The Puritan settlers in the Massachusetts Bay Colony outnumbered Plymouth's Pilgrim settlers by about 10 to 1 and absorbed them in 1691. It is mainly the Puritans and their descendants, such as the Minutemen of Concord, who form the popular image of America's early settlers. Ronald Reagan, for example, famously borrowed the wish that "we shall be a city upon a hill" – to be a "new Jerusalem," God's light to the nations – from the speech leader John Winthrop gave aboard the *Arabella*, the ship taking the first Puritan settlers to the New World.

— Claude S. Fischer, *Made in America*, University of Chicago Press, 2010

Cotton Mather, the quintessential Puritan public servant, saw his congregation as a 'chosen people' and the elect of God. And their role was to clear space for the second coming of Christ. The Puritan sermon was not without clear instruction to beat the Black Devil back — as allegory and in daily life. Blackness was associated with Satan. It is interesting that as early as 1760 there are court records of severe brutal and sadistic punishment for white women caught having sex with black men. The woman caught with a white man usually paid a fine. The woman caught with an African was whipped, stripped naked, shunned and driven out of the settlement. Again, the ideological insistence on White specialness goes back to the founding fathers. And the sexual prohibitions placed on the women of the colony, who were second class citizens but still far more legally secure than black or Native women, were carefully codified.

The piety of Antebellum America was one driven by the sadism and sexual panic associated with the *wildness* of the native or slave. And while one can accuse me of simplifying what

is obviously complex, the point in context here is that the sexual repression of American puritanism ran through the society from its founding and it has never left. From the Scottsboro Boys to the Central Park Five, the stories share certain clear sensibilities. And today, in an age of electronic media and mass marketing of everything, including lingerie for five year olds (see Victoria's Secret) this eruption of anger and outrage at the behavior of privileged white men, feels oddly linked to that shadow guilt and resentment of the white ruling class.

The white patriarchy needs to abuse the help. And if the slave is now too much of a threat, then women will suffice. And, this is Capitalism after all, where everything is for sale. And much of the language of this anger at white patriarchy takes on the quality of self help books and the therapy culture that favors empowerment over organizing. It also manufactures a kind of theatre of grief, in which the word "feelings" is used quite a bit. This is anger predicated upon an identity consensus. And the massive hashtag response speaks to a shared world view. There is a progressive aspect to it all, and that is clear. I think, anyway. The boorish and abusive and humiliating — a key word — behavior of men like Harvey Weinstein, and their default belief that they can do what they want, with women, with anyone under them, is being exposed. And that is good. (a side bar note...Richard Dreyfuss' son gave an account of Spacey's ugly behavior, but it's interesting that the nepotism of this man even having an acting job passes without comment). But it is also reinforcing class distinctions. And it is somehow exclusionary — as identity based correctives always are. And in a culture of celebrity, some might suggest change will come only through cases involving the famous. Perhaps. But again, these accusations, many of them relatively minor, need to be placed in a context both of history and of class.

None of the public discourse includes the fundamental coercion and exploitation of unprotected workers at the bottom rung of the economic ladder. There is little doubt that far worse occurs daily to less visible women than those working in media and mass culture. Just as, again, the U.S. Military is a shockingly out of control environment for female soldiers. But those without visibility, those whose abusers are not well known, they may or may not benefit anything from all this. But these women are less telegenic, and often uneducated.

And then there is the violence against trans-women of color, which is well documented and of a severity and pervasiveness that amounts to a national disgrace. And yet, again, there is little discussion of it. It is simply a topic unsuited for mass media, and the selling of commodities. The outrage is, then, selective. This doesn't mean many or even the majority of accusations are not legitimate. That's the difficulty. But legitimate does not grant blanket condemnation. Cases are unique. Another factor that is being blurred. Everything is collapsed into rape, usually. And I've even heard the throwing about of the term pedophilia — something totally unrelated, actually.

There is something curious and unsettling in not seeing the dangers of a mass enjoyment of punishment. For that is what disturbs me the most. The pleasure of the mob. For the issue here is to contextualize white male power and to contextualize the nature of selectivity in caring. And to unpack the frisson and selling of what is coming to be labeled 'The Weinstein Effect'. Lynchings had vendors and souvenirs. This is not the same, and yet there are similarities. And the manufacturing of the survivor identity (which originated with the Pre School cases) is handed out even if all that was survived was an unwelcome advance. What will be the effect down the road on sexual choices that may be seen as non-mainstream? The public narrative so far is linked with Hollywood. That should provide a moment of cautious hesitation for everyone.

The decline of support for liberal approaches and the inability of liberals to solve the apparent paradoxes created by their beliefs left the crime issue to the conservatives. Conservatives pointed to the failures of liberal programs and emphasized that crime was a matter of individual choice and wickedness. They adhered to the “crime control” model of criminal justice that emphasizes “efficiency” in the criminal process. The model envisions a summary process, much like an assembly line, with reliance placed on administrative rather than judicial decision making. Central to the ideology of the crime control model are “the presumption of guilt.

— Lynn N. Henderson, “The Wrong’s of Victims Rights”, University of Nevada Las Vegas, 1985.

So, at the center of this, legally, is the victim’s rights movement. Now, partly this came from the quite correct lobbying from women’s movements regarding mistreatment of rape victims in court proceedings, and organizations such as Mothers Against Drunk Driving. But the changes, legally, were quickly appropriated by conservative forces. Lynn Henderson again...

Victim’s rights proponents have succeeded in inducing the adoption of preventive detention laws in at least nine states. Victim’s rights advocates have played a role in bringing about other changes in criminal law and procedure. Partly as a result of victim’s rights advocacy, the number of laws requiring mandatory restitution to victims by offenders has also increased. Most of the victim’s rights activity has been far from dispassionate, and currently, the victim’s fights “movement” has a decidedly conservative bent. Although “victim’s rights” may be viewed as a populist movement responding to perceived injustices in the criminal process, genuine questions about victims and victimization have become increasingly co-opted by the concerns of advocates of the “crime control” model of criminal justice.

— Lynn N. Henderson, “The Wrong’s of Victims Rights”, University of Nevada Las Vegas, 1985.

The image conjured by the phrase *victim* is that of an innocent victim. Again, the totalizing logic at work. The image for most of white America is again racially mediated. Victims are those hit by stray bullets from drive by shootings in gang wars (black and brown gangs). Victims are those nice folks mugged in public parking garages, and etc. The image is that of the non-provoking actor in a public morality play. Henderson (and others) have noted, too, that nobody can allow themselves to be seen as anti-victim. Hence the defendant is robbed of even more of his or her rights. And additionally, there is a rather large discussion to be had regarding the psychological damage from what are called *core crimes* (strong arm robbery, kidnapping, murder, rape, and aggravated assault). These are those traumas that force the victim to confront mortality. And such events are life altering. So, again, it is important not to conflate unwelcome come-ons with actual forcible rape.

One thing is clear, though, and that is that the erosion of The Bill of Rights (something Obama helped shred) will accelerate now and these revelations on the guilt of the famous will help fast track new intrusions of privacy with added surveillance and police powers. Proof of guilt will soon seem a quaint idea if asked for, and due process a historical artifact, just as are *habeas corpus*, and double jeopardy.

One should read the case histories of those freed by the Innocence Project. Many are rape

(or include rape) cases. And the desire for shared victimhood is a powerful intoxicant. And the media bestowing terms like *heroic* on those coming forward seems oddly complicit in ruling class intentions to fully control the populace. For that IS the goal. Those in power, in positions of authority, feel immune to penalty. And largely they are immune. Just as police are rarely prosecuted for shooting black men and women. Prisons are not for the rich. They are for the poor. The questions about history and context are important and should be what the discussion focuses on. Rather than sanctioning white bourgeois grief and anger.

I will end with a short anecdote. When I was in my early twenties I was arrested for robbery. I later beat that charge in a jury trial. It was not my first arrest, nor to be my last. But it was the first hold in custody that lasted longer than overnight. During my two week stay at L.A. County Jail I was in the general population. And LA County is one of the most overcrowded jails in the world. One night a guy came up to me right as the buzzer went off to return to your cell. I think you had ten or eleven seconds to get back to your cell before the doors closed. If you were caught outside you went to the hole. This guy was big. Very big. And he said, 'I been watching you. I like your eyebrows...how they curve'. (yeah, well, that's what he said). And then he said he had arranged with the trustee to have me spend the night in his cell (with six other guys). I said no, man, I don't fuck around. But he started dragging me toward his cell. I yanked free and hit him as hard as I could in the face. He barely blinked. But time was short so he just said very calmly...'OK youngster, tomorrow night then'. And he ran down to his cell. I stepped into my cell and sat down. This old speed freak was across from me on the other bunk. I remember his name was Dino. I said, man, did you see that? He nodded. I said, what's gonna happen? He said, well, your gonna get fucked. I lay there that night in a cold sweat. At 4 AM a guard came by and yelled..." Steppling, roll em up....". I had gotten bailed out. What might have happened had someone not posted bail? I'd have been raped. And probably badly beaten for not going quietly.

John Steppling is an original founding member of the Padua Hills Playwrights Festival, a two-time NEA recipient, Rockefeller Fellow in theatre, and PEN-West winner for playwriting. He has taught screenwriting and curated the cinemathique for five years at the Polish National Film School in Lodz, Poland. He is artistic director of the theatre collective Gunfighter Nation.

Note

1. [Nobodies](#), *The New Yorker*, April 21, 2003.

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