

The sordid deal between former Hollywood producer Harvey Weinstein and his accusers

David Walsh
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Former Hollywood producer Harvey Weinstein and his bankrupt company have reached a settlement with dozens of women who accused him of sexual misconduct, various media outlets reported on Wednesday.

In October 2017, the *New York Times* and the *New Yorker* magazine published stories containing allegations of sexual harassment and abuse against Weinstein. The articles helped launch the #MeToo movement, which has since resulted in the removal or disgrace of various well-known men in the media, the arts and political life.

Efforts at organizing a financial settlement between Weinstein and his accusers have been ongoing for more than a year. In May, numerous news stories surfaced claiming a settlement was imminent, but obstacles and objections arose.

The agreement finally reached, which would not oblige Weinstein to admit any wrongdoing, involves dividing \$25 million among dozens of accusers. Weinstein would not pay any of the money himself; rather it would come from insurance companies representing his former independent film studio, the Weinstein Company (TWC), which is now in bankruptcy proceedings.

The payment to the alleged victims would be part of a \$47 million settlement, according to the *Times*, intended to “to close out” all of TWC’s financial obligations. The deal still has to be approved by federal judges in Delaware and New York.

In its account, penned by Jodi Kantor and Megan Twohey, the authors of the 2017 Weinstein “exposé,” the *Times* sets out the terms of the tentative agreement: “Eighteen of the alleged victims [who had filed suits independently] would split \$6.2 million, with no individual getting more than \$500,000. A separate pot of money, \$18.5 million, would be set aside for those who were part of a class-action case, the New York attorney general’s suit and any future claimants, with a court-appointed monitor allocating payments based on the severity of the harm alleged.”

Furthermore, “More than \$12 million ... would go toward some, but not all, legal costs for Mr. Weinstein; his brother, Bob; and other former members of their company’s board, the lawyers said. The board members would be insulated from future liability, and the alleged victims would drop their claims against Mr. Weinstein and other executives.”

A degree of uncertainty remains. Two women, producer Alexandra Canosa and actress Wedil David, who brought cases against Weinstein have indicated, through their lawyers, that they plan to challenge the \$25-million deal in court. Actress Ashley Judd, a prominent #MeToo figure and Democratic Party activist, filed suit separately against Weinstein. Her case is not part of this arrangement.

Lawyers for Canosa and David denounced the settlement for offering too little money to the alleged victims. Canosa’s attorney, Thomas Giuffra, called the agreement “an outrage. ... It’s a lousy number, it’s way too low.” He termed the overall design of the deal “crazy.” Douglas Wigdor, a lawyer for three of Weinstein’s accusers, including David, commented, “This is the worst settlement I’ve seen in my entire career.”

Weinstein, presently free on bail, faces criminal charges in a case scheduled to begin in January. He has pleaded not guilty to raping a woman in a New York City hotel room in 2013 and performing a forcible sex act on a different woman in 2006.

There is much that is sordid and grubby about the financial agreement announced Wednesday. Nearly everyone involved has been damaged or soiled by this case, including by its apparent denouement. Weinstein’s life and career have been irreparably ruined. His physical health appears to be deteriorating rapidly and there are reports that he will be declaring personal bankruptcy soon.

Individuals, frankly, who never proved anything in court, and might not be victims of any kind, stand to gain half a million dollars each. Various people, including a horde of lawyers, will enrich themselves. The social atmosphere has suffered the most. Much of the American public would simply like to see the entire degrading business disappear. It will be remembered primarily for the neurotic self-absorption it has unleashed in Hollywood and elsewhere.

After 18 months of the public undergoing a steady bombardment of sexual horror stories, a Vox/Morning Consult survey in March found that 63 percent of women polled were either “very” or “somewhat concerned” about men being falsely accused of sexual assault and harassment as opposed to 21 percent who were not concerned about such a possibility. Fifty-six percent of the women surveyed were concerned about the punishment for less serious forms of sexual assault or

harassment being the same as the punishment for more serious forms of such behavior, versus 25 percent who were not concerned.

Despite the passage of more than two years and flurries of accusations, Weinstein remains unconvicted of a single crime. His detractors like to attribute this to his supposed immense power. The producer has lost his wife, career, company and income. His name cannot be mentioned in the media without the adjective “disgraced” attached to it. Often, an epithet such as “villain,” “monster,” “predator” or “pariah” is thrown in for good measure. According to numerous accusers and commentators, who clearly do not know what such a phenomenon looks like, Weinstein presided over a “reign of terror.”

Whatever authority he wielded is long gone. What remains is the question as to whether Weinstein actually committed a crime of any kind. Boorish and morally offensive conduct, “grey area” behavior, is not against the law.

It is virtually impossible to find a shred of rational commentary in the American media on the Weinstein affair, certainly not from the *Times*, Farrow, the *New Yorker*, the various feminist pundits, the *Nation* and so forth. In those quarters there is no hint of democratic sensibility, all is vengefulness and aggressive, self-pitying, self-promoting identity politics. The cries for blood continue.

Such forces offer a largely fantastical version of the film and entertainment industry and its morals. One of the few voices of reason that has made its way to the public in the last two years belongs to director Terry Gilliam, of *Monty Python's Flying Circus* fame. Gilliam told AFP in March 2018 that Weinstein had been exposed because he “is an asshole and he made so many enemies.” But, the director went on pointedly, “It is a world of victims. I think some people did very well out of meeting with Harvey and others didn’t. The ones who did knew what they were doing. These are adults, we are talking about adults with a lot of ambition... I know enough girls who were in Harvey’s suites who were not victims and walked out.”

Gilliam also commented, “Harvey opened the door for a few people, a night with Harvey—that’s the price you pay... Some people paid the price, other people suffered from it.” Gilliam noted that the #MeToo campaign had gotten “silly, people are being described in ridiculous terms as if there is no real humanity left anymore.”

It is worth recalling in this regard the fate of Lucia Evans and her claims. Evans’ allegation that Weinstein forced her to perform oral sex on him in 2004 figured prominently in Ronan Farrow’s witch-hunting *New Yorker* article in October 2017 and it formed the basis of one of the three criminal cases Weinstein originally faced. The case was thrown out in October 2018 when it became known that a friend of the accuser had told the police in 2004 that Evans, 21 at the time, had consented to the sex act with Weinstein because he promised her an acting job.

one year of the #MeToo onwitch suggested that in certain cases individuals had probably consented, reluctantly or otherwise, “to sexual activity in the name of succeeding in a career, justifying it as one of the unpleasant overhead costs associated with ‘making it.’... Embarrassment and remorse may set in later, especially if things do not go quite right. Individuals, including actresses whose careers—through no fault of their own in many cases—are stagnating or fading, may blindly and vindictively concentrate their disappointment or disillusionment with Hollywood retroactively on a figure such as Weinstein.”

When the Weinstein scandal first erupted in 2017, we argued at the WSWS for a careful consideration of the *politics* of the affair and suggested that, unquestionably, “something more is involved than simply Weinstein’s behavior” and, moreover, it was safe “to assume that the scandal will have consequences.” Two years, hundreds of allegations and countless, sensationalized media reports later (Weinstein’s lawyers, arguing unsuccessfully for a change of venue, recently noted that their client’s name had been “mentioned online on the *New York Post*’s gossip column Page Six [alone!] more than 11,000 times”), this prediction hardly needs justifying.

As we noted in 2017, it was not necessarily the case that the *New York Times* published its Weinstein piece with a fully worked-out plan, other than the vigorous pursuit of its identity politics agenda. As it turned out, the #MeToo campaign proved to be an extension and deepening of the dishonest and provocative response of Hillary Clinton and Democratic Party circles to the Brock Turner case at Stanford University in June 2016, during the election campaign.

The sexual misconduct issue, manipulated by figures such as Farrow, a former Clinton aide, became one feature of the effort to channel the frustration and anger of upper middle-class layers in particular with Donald Trump’s election in a rightward direction. The *Times* and the rest set about organizing a stampede of hysterical elements whose well-publicized claims were meant to distract attention from the social devastation and inequality, the vicious assault on immigrants and the threat of war with Russia and China.

The Weinstein case has always had a great deal to do with definite social and economic interests, politics and money. The details of the recently announced settlement do nothing to alter that assessment.



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