

## **Weinstein & Hollywood’s “Open Secret”**

In October 2017, journalists Jodi Kantor and Megan Twohey broke the news that film producer Harvey Weinstein had sexually harassed and assaulted many women throughout the course of his career. A few days after this article appeared in *The New York Times*, Ronan Farrow published an article in *The New Yorker* that included more accounts of Weinstein’s behavior from the 1990s onward. Many more articles and accounts followed. By the end of the month, more than 80 women came forward with allegations of sexual assault or harassment by Weinstein. In the following months, even more women shared their stories. What some described as an “open secret” in Hollywood was secret no more.

Over the course of nearly three decades, Weinstein used intimidation, legal agreements, and his position of power to keep women he abused from speaking up. Throughout his career, he had the power to turn actors into stars and launch careers. The films he and his companies have produced have been nominated for more than 300 Academy Awards, several of which won Best Picture. But Weinstein also had the power to destroy careers. He removed many actresses from projects if they resisted his advances. After being assaulted by Weinstein, actress Katherine Kendall reasoned, “This is Harvey Weinstein... I’ll never work again and no one is going to care or believe me.” Other women shared similar experiences. Lucia Evans, a marketing consultant who wanted to be an actress, stated, “The type of control he exerted—it was very real,” adding, “Even just his presence was intimidating.” After assaulting actress Rose McGowan, Weinstein paid her a settlement that was “not to be construed as an admission” and meant to “avoid litigation and buy peace,” as a form of non-disclosure agreement.

Many employees of Weinstein were either witness to or had knowledge of his actions. Some made arrangements for Weinstein’s hotel rooms or meetings where he would make unwanted sexual advances. Other employees would join him in meetings to make women feel safe before being dismissed in order to leave them alone with him in a room. Former employees reported a culture of complicity at his companies, but similarly felt their careers and wellbeing were on the line. One former employee spoke to reporters anonymously, stating, “If Harvey were to discover my identity, I’m worried that he could ruin my life.”

The “open secret” permeated more than the workplace. Other filmmakers and actors in Hollywood were aware of Weinstein’s behavior. While many celebrities expressed shock in the revelations of the allegations, others expressed remorse or complacency. Filmmaker Quentin Tarantino, whose films have been produced or distributed by Weinstein, apologized for not taking action. He stated, “I knew enough to do more than I did... There was more to it than just



the normal rumors, the normal gossip. It wasn't secondhand. I knew he did a couple of these things." Tarantino added, "I wish I had taken responsibility for what I heard." Actor and filmmaker Matt Damon stated, "If there was ever an event where there was something I was at with Harvey...and there's some woman who was somehow assaulted...and I somehow missed it, then I'm sorry."

Days after the first allegations came to light, Weinstein was fired from the company he co-founded. In March 2018, after plans for acquisition fell through, The Weinstein Company filed for bankruptcy. In May 2018, actress Ashley Judd filed a defamation lawsuit against Weinstein. She claimed, "I lost career opportunity. I lost money. I lost status and prestige and power in my career as a direct result of having been sexually harassed and rebuffing the sexual harassment."

On May 25, 2018, Weinstein was arrested in New York on charges of sexually assaulting two women. Weinstein pleaded not guilty to the charges. Weinstein is scheduled to return to court in September 2018. Ongoing investigations and witness testimonies could add charges and open additional lawsuits against him.

**Concept:** Moral Muteness

**Ethical Insight:**

Moral muteness occurs when people witness unethical behavior and choose not to say anything. Powerhouse movie producer Harvey Weinstein sexually assaulted and harassed many women over nearly 30 years. Yet many who knew of his behavior remained silent. The same power that enabled him to victimize women and dissuade them from speaking up also caused others employees and peers to remain silent. When numerous women came forward to tell their stories, many others expressed regret that they had known of Weinstein's predatory actions and failed to speak up. They had been morally mute.

**Discussion Questions:**

1. In what ways does the "open secret" of Harvey Weinstein's abusive behavior demonstrate moral muteness? Explain.
2. What factors motivate moral muteness? How did Weinstein encourage moral muteness? Why do you think so many people did not speak up? Consider this from the perspectives of employees, filmmakers, and actors. What biases and pressures might have influenced their silence? Why do you think Weinstein's behavior continued for nearly 30 years?
3. Filmmakers and actors in Hollywood who did have the power to help expressed regret for not doing more. What rationalizations do you think they used to justify not speaking up?

4. Many people report that they find it easier to refrain from doing wrong themselves than to intervene to stop others from doing wrong. Why might that be?
5. How can industries and workplaces promote equality and healthy work environments for all employees? How can workplaces encourage employees to speak up and protect against moral muteness?
6. Have you ever worked at a job where you witnessed ethically questionable behavior or harm? What did you do and why? In hindsight, do you wish you had done anything differently? How would you prepare for a similar situation today?
7. Have you ever been morally mute in a situation where you now wish you had spoken out or taken action? Explain.
8. What can we do to minimize the chance that we will be morally mute in a situation that cries out for action? Discuss.
9. Does moral muteness help explain why whistleblowing is such a relatively infrequent phenomenon? Explain.
10. Weinstein's case demonstrates the pitfalls of several biases and behaviors including rationalizations, obedience to authority, conformity bias, and self-serving bias. Can you identify these and other behavioral ethics concepts at work in this case study? Explain and discuss their significance.

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