

This site uses cookies. By using this site you are agreeing to our [privacy and cookie policy](#).

SCREENDAILY

Female filmmakers and legal experts respond to Harvey Weinstein's guilty verdict

BY LIZA FOREMAN | 27 FEBRUARY 2020



SOURCE: SETH WENIG/AP/SHUTTERSTOCK

HARVEY WEINSTEIN ARRIVES FOR HIS FIRST DAY IN COURT

The news of [Harvey Weinstein's conviction for rape and sexual assault](#) has been met positively amongst the female filmmaker community around the world despite the mixed verdict at his New York trial on Monday.

Weinstein was convicted of third-degree rape and a first-degree criminal sexual act, based on the testimonies of two of his accusers - then aspiring actress Jessica Mann and production assistant Mimi Haley.

Sentencing is set for March 11 and could carry a prison term of between five and 29 years. Weinstein has still to stand trial in Los Angeles on separate charges and London's Metropolitan Police is also understood to be readying a case against Weinstein.

"Over two years ago, many brave women spoke up about a consistent and horrifying pattern of sexual abuse at the hands of a powerful figure in Hollywood," Jane Fleming, Los Angeles producer and president emeritus at Women in Film, told *Screen*.

"Today, his peers convicted him on just a few of the charges. I hope that this verdict can offer victims around the world the hope that their abusers can and will be held accountable. And I hope when anyone faces sexual harassment or misconduct they will speak up by getting help through supportive initiatives like the WIF Hotline at 855-WIF-LINE which offers pro-bono legal help and counselling."

Weinstein was acquitted of the most serious charges against him that could have seen him jailed for the rest of his life. These were two counts of predatory sexual assault (which involve assault of more than one person) and one count of first-degree rape.

Lack of evidence and credibility helped Weinstein get acquitted of these more serious charges, said criminal defense attorney Richard Kaplan of Kaplan Marino in Beverly Hills.

"The verdict means the jurors found two of the women credible despite the lack of corroborating or forensic evidence," he said.

"Prosecutors may feel empowered as they now have a road map for future #MeToo cases. Aside from the lack of corroborating and forensic evidence, the jury instructions on the more serious counts were very confusing. Any time someone testifies to something that happened eight to 10 years ago without previously reporting it, credibility becomes a problem. Based upon the mixed verdict these jurors looked at each count independently and which counts were proven beyond a reasonable doubt and which ones were not."

Prosecutor surprise

The fact the case came to trial and resulted in convictions stunned some prosecutors, *The New York Times* reported.

In the run-up to the trial, many victims were preparing for an acquittal, and prosecutors across the country questioned New York district attorney Cyrus R Vance Junior in bringing this case to trial, the paper reported.

“But by pushing the boundaries of sex crimes prosecutions, the Manhattan prosecutors delivered what many people declared a victory for the global movement against sexual misconduct that Mr. Weinstein’s actions had helped ignite,” said Kaplan.

One prominent criminal lawyer in London, who did not wish to be named, said: “As a lawyer, I was delighted the judge admitted the evidence of Dr Ziv, whose explanation about the way some women conceptualise rape, being quite outside the experience of most women and all men, will have dispelled some of the jurors’ preconceptions and prejudices and allowed them to understand better the reactions of the victims to rape by this repulsive and odious baboon.”

Cari Beauchamp, the Hollywood historian, journalist and author of ‘Without Lying Down: Frances Marion And The Powerful Women Of Early Hollywood’, reacted to the news from Los Angeles.

“I was in the gym when the news flashed on the television screen, and several of us put our fists in the air and yelled out in almost palpable relief,” she told *Screen*. “Then we looked around at each other with smiles on our faces but surprised a bit by our visceral reaction. When you think of the millions of dollars he spent to prevent this day from coming, and the fact he still believes himself to be innocent, it shows how far we still have to go and how deep their patriarchy is.”

Nina Menkes is an award-winning filmmaker and creator of the presentation ‘Sex And Power: The Visual Language Of Oppression’, which examines how the male gaze informs how films are shot in a way she asserts supports a culture of rape.

The guilty verdict is a profound moment for women everywhere,” Menkes suggested. “A rich and powerful white man was actually held to account. Presumption of male sexual privilege did not hold, in the end. I’m sure this verdict will act as a damper on those many others who emulated Weinstein’s behaviour and felt immune. He was and is not alone, but stands as one example, among hundreds of thousands and we salute the guilty verdict. Change is possible. #BREAKtheSPELL.”

“Sacrificial monster”

Maria Giese, a US activist for parity for female filmmakers and member of the Director’s Guild of America who took on the Guild over lack of representation of women, said: “Harvey Weinstein is the sacrificial monster selected as the scapegoat stand-in for the collective sins of all Hollywood over the better course of 100 years.”

She added: "As far as #MeToo goes, this provides a welcome symbol of the power and significance of speaking out. Laws that protect workplace rights are impossible to enforce without our ability to speak openly about the abuses we experience without getting blacklisted. That said, sexual harassment and abuse in the workplace, so rampant in Hollywood, are merely symptoms of the central underlying disease of employment discrimination; they are the result of power imbalances and gender equal hiring is what is required to end it."

Giese instigated the biggest industry-wide federal investigation on behalf of female directors to date. In 2012, her research found that only four percent of studio features were directed by women, and only 14% of episodic TV shows featured female directors.

She went to the Equal Employment Opportunity Commission (EEOC) and the American Civil Liberties Union (ACLU). After an 18-month investigation in May 2015, *The New York Times*, which also broke the Weinstein story, published the ACLU's letter calling for an industry-wide federal investigation into systemic discrimination against female directors.

She believes women should not be complicit in playing the male hiring game.

Giese added: "If #MeToo means, 'You're a victim and I'm a victim, too', we women would do well to recognise our complicity in Hollywood's reciprocal arrangements of hiring. We are not helpless victims in a world of patriarchal aggressiveness, but capable and effective change-makers in the process of helping to design a future of greater justice and equality."

Kirsten Schaffer, the executive director of Women In Film in Los Angeles, told *Screen*: "I feel relieved and hopeful. Justice was served and a message was sent that this kind of behaviour is not only heinous, but punishable by law.

"What does this mean for women and #MeToo? It means women are believed and that perpetrators, no matter how powerful, will go to jail. This verdict sets a precedent that opens the door for prosecutors across the US to bring more sexual assault cases to court."

Putting more women in power would help, she said. "We have been gaining momentum toward gender equality in entertainment but there is still a long way to go. The most effective way to eliminate harassment and abuse in the workplace is to have more women in charge. Women In Film has been working on this issue for almost five decades and we will continue to do so until we reach equality."

International impact

The news was well received in Europe.

“The verdict is a victory for women and men everywhere and I feel so grateful to the women who stood up with such courage, Miriam Hayley, Anonymous victim, Dawn Dunning, Annabella Sciorra, Tarale Wulff and Lauren Young,” said London-based filmmaker Deva Palmier.

Palmier was part of the founding team of the female finance initiative Breaking Through The Lens, and is a member of the pro-female filmmaker initiatives, Cinesisters and Forge Women in Bristol.

“It is disappointing about the not guilty verdicts on the predatory sexual assault charges” she said. “ It makes no logical sense to find him guilty of raping two separate victims and not see his behaviour as anything other than predatory. However, we do need to celebrate. The world is changing in the right direction.

“Onwards and upwards,” she added.

From Germany, TV executive Margrit Stärk, the co-founder of the Si Star female film awards said: “As a member of the women’s organisation Soroptimist International and as a SI STAR founder, I think Weinstein’s behavior should have consequences and it’s good that it has.”

- **Time’s Up, Women In Film hail Harvey Weinstein verdict: “There’s no going back”**