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Feminist Perspectives on the Apology of Louis CK and the #MeToo and #TimesUp Movements

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The #MeToo and #TimesUp movements are sexual misconduct survivor movements, interrogating in particular the entertainment and media industries. These movements aim to dismantle power structures in these industries by raising-up systemically silenced voices of victims (survivors) of sexual misconduct. I analyze comedian Louis CK's apology for his own sexual misconduct as an exemplar text, and argue that there are good feminist reasons for these movements to critically engage with his perpetrator statement. As such, the argument that I propose here-that certain perpetrator explanations are legitimate to these movements-is tendentious. I will support my argument by making an appeal to feminist social theory, which focuses on the cultural factors contributing to sexual misconduct. If my argument is compelling, then other perpetrator statements could also be integral to the movement's aims.

Keywords: Sexual misconduct activism, #MeToo, #TimesUp, Harvey Weinstein, feminist philosophy, perpetrator statements

Workplace sexual harassment is distinguished from intimate partner sexual misconduct, sexual misconduct between acquaintances, and sexual misconduct between strangers (Card, 1991), as it involves the leveraging of employer power and professional consequences. In 1980, Title VII of the Civil Rights Act was expanded to civil rights within and connected to the workplace, and to address situations like *workplace sexual harassment*. Remarks about physical appearance, sexual jokes, verbal proposals, physical conduct can all occur outside the office but insofar as they are between individuals with professional relationships to each other, they can be workplace sexual harassment, a form of workplace sexual misconduct. The #MeToo and #TimesUp survivors describe a multitude of incidents which occurred outside a formal office, and so I will use the term *workspace* to acknowledge how workplace dynamics exist beyond the borders of an office, and I use *sexual misconduct* as an umbrella-term for a spectrum of behavior.

At this writing there are over thirty sexual misconduct investigations involving very prominent media figures like journalists Matt Lauer, Charlie Rose, and Tom Brokaw, investigations that either began or greatly gained momentum after the #MeToo movement gained national attention, (Glamour, 2018). There are uncountable numbers of investigations within the entertainment industry, most prominently into the decades-long serial abuse by film mogul Harvey Weinstein but which also include notable figures like actors Bill Cosby and Kevin Spacey, producer Bret Ratner, and director James Toback, (Glamour, 2018). The *Hollywood Reporter* created a sexual-misconduct investigative

department in late 2017, with seven reporters, dedicated to investigating sexual misconduct in entertainment and media; total number of investigations as of this writing is 83.¹

Ashley Judd, the first actress to speak to a journalist about being sexually harassed by film producer Harvey Weinstein, considers herself a survivor and supporter for the #MeToo activism. Judd first talked publicly about Weinstein in 2014, but only named him in 2017.² Judd describes a powerful producer leveraging his position in her field and her suspicions about a system that aided Weinstein in perpetrating such an offense. She also describes how she felt silenced by her industry at a variety of levels: that speaking up would harm her future earnings, that she would be shunned by friends and peers, that she wouldn't be believed, that she would be unable to effect change. I pay special attention to the silencing component of Judd's and other's experiences, which is a foundational issue for the #MeToo and #TimesUp movements. Journalist Ann Curry brought workplace misconduct claims against journalist and co-morning anchor Matt Lauer in 2012, but NBC fired him in 2017 in part due to the accusations, through this new activism, reaching national awareness.³ Activists characterize Rose McGowen, Judd and Curry as having their careers systemically threatened by their peers and superiors, and these threats act as silencing mechanisms within a culture, (Golshan, 2017).⁴ I will expand on this silencing within a culture, and the feminist response to its importance, later in this article.

The #MeToo and #TimesUp movements are sexual revolution zeitgeists, a new form of publicly engaged and publicly discussed workplace sexual misconduct activism. These movements take as central to their activism the issue of cultures of silencing victims which have become common, to their minds, in the media and entertainment industries. Activist Tarana Burke, who is credited with the first use of the #MeToo hashtag in 2007, says that before the national conversation, sexual misconduct accusations existed as a kind of whisper network, (Union, 2018). Actress Gabriel Union described talking about sexual misconduct in the entertainment industry prior to the movements as "whispering into the hurricane," (Union, 2018). These activist conversations about defying the culture of silencing are now at the national level, on the covers of national newspapers and magazines and instrumental in significant change.

Good Reasons Perpetrator Voices are Limited in the #MeToo and #TimesUp Movements

The prioritizing of the heretofore silenced voice is a hallmark feature of this new activism. In light of the gendered aspect of the offenses, and in light of the gender disparities within these industries, these movements have good reasons to be skeptical and resistant to (thus far, male) perpetrator voices, (Framke, 2018).⁵ Movements which raise silenced voices may appear incoherent if they give equal time to dominant and domineering voices. Prioritizing the silenced victim's voices is a conscious choice, in direct reaction to and in defiance of a culture of silencing. I acknowledge that including perpetrator voices within the activist movement is anathema to survivors and activists, (Framke, 2018). I highlight the movement's focus on survivor voices in order to prepare for my argument, which is that these movements should also include some perpetrator voices in their activism.

Another reason to resist engaging with the perpetrator explanations is that these movements are fluid and growing, continually defining and re-defining their terms. For example, common discursive agreement as to what constitutes sexual misconduct, assault, consent, and coercion are evolving in real time. While law courts have more nuanced and determined definitions for a myriad of unwanted sexual behavior, the language within common discourse is less structured. These movements desire to create their own linguistic

boundaries without the manipulation of unjust actors like perpetrators, who have moral, social, and legal motivations to characterize their behavior to their own ends.

For example, both social and legal understandings of *sexual assault* are typically based at least partly on the notion of *consent*, (Kazan, 1998) and *agency* (Merkin, 2018), but the understanding of the degrees in which consent can and cannot be communicated, conferred, and understood is constantly evolving. Examining what is meant by consent means examining an attitude of consent, a performance of consent, a discussion of personal agency and resistance, and a discussion about explicit versus non-verbal communication. Examining, clarifying, defining, and applying what the movement means when they use the term *consent* means examining a collection of terms and presumptions both legal and popular, in ways that the #MeToo and #TimesUp movements are continually, dynamically constructing and re-evaluating.

At various stages of the #MeToo movement, survivors and allies used the term *sexual assault*, which is a legal term, as a catch-all phrase to describe behaviors for which the courts have different language. Comedian Aziz Ansari is an example of different terms used to describe a sexual encounter. Some activists referred to Ansari's behavior as *sexual assault*, and others as *unwanted sexual advances* (Flanagan, 2018). The activists continually define and re-define their terms and scope, including clarifying whether the Ansari case is, in the movement's eyes, a form of sexual misconduct or a bad date. A central problem for the movement is whether to engage with Ansari's own characterizations of the relationship. Would allowing Ansari's perspective to enter the discourse dominate the conversation in ways that the movement was trying, actively, to define for itself? Ansari was, to many minds, a perpetrator who sexually assaulted his date. To others, that terminology is inappropriate.

The argument for limiting Ansari's explanation is that Ansari's characterization was distracting, disingenuous, dangerous, ill-suited and ultimately hypocritical to the aim of the movements, (Framke, 2018). There is a counter-argument to this perspective, that the Ansari example provided a valuable counter-narrative that the movements must responsibly address. These debates are ongoing.

Other reasons to resist actively incorporating and engaging with perpetrator statements within the movements is that there's a repugnance among survivors and their allies in hearing, yet again, from a sexual offender. This repugnance might be characterized as a disgust at giving perpetrators a platform to explain and dissemble, and ultimately co-opt or deflate the movements. This resistance might be less formal and more visceral. There is certainly a sense of revulsion when a survivor tells her story, but the photo accompanying the story is that of her perpetrator. Showcasing the perpetrator can be considered a form of re-entrenching the exact patriarchal, perpetrator-friendly environment the movements criticize. As I will show in the following section, feminist theorists interrogate cultures and systems of oppression and focus less on the individual psychology of a particular perpetrator, and so I believe that there is feminist room for incorporating, but not privileging, some perpetrator statements while taking seriously reasons to limit them.

Section Conclusion

The #MeToo and #TimesUp movement survivors are co-determining the best language to use in their activism, the best ways in which to hold perpetrators and systems accountable, and the best forms the new activism can take. These are movements intended to dismantle power structures and raise-up the powerless while re-defining their own terms, definitions, leaders and causes. As such, the argument that I propose here—that certain perpetrators'

voices are legitimate to these movements—is tendentious. I will support my argument by making an appeal to feminist social theory, which focuses on the cultural factors contributing to sexual misconduct broadly. I show how the cultural factors in the entertainment and media industries are better understood via (some) perpetrator statements, and the Louis CK statement in particular. Concerns about my argument are the concerns I raised earlier, and many more: that my argument displaces the survivors' voices, that including perpetrators' voices will shift the discussion to prioritizing perpetrators and, therefore, in some ways marginalize the survivor's voices. I take these concerns seriously and ground my argument with respect to those concerns.

Survivors have and deserve ownership in the telling of their stories, and there is deep internal debate about which stories are significant representations of serious issues and which stories, to use Margaret Atwood's term, are voices representing a "war among women" (Atwood, 2018). My argument is not consistent with Atwood's. My argument is that survivors and certain perpetrators can share the discussion while still prioritizing survivors, and that Louis CK's apology is beneficial to this (ongoing, continually re-defining) cause.

Feminist Activism and the #MeToo and #TimesUp Movements

Theorizing and analyzing sexual assault in wealthy democratic societies in the 20th century has roots in both psychological theories and feminist theories. *Psychological theories* of sexual assault attempt to explain and recognize the mental aspects of why some men assault women (much of, but not all, of the research focuses on male perpetrators and female victims). Psychological theories offer hypotheses that are individualistic, attitudinal, and psychological in nature, for example: that men have deep-seated, perhaps evolutionary needs to dominate women which are being subverted within the culture; that men are motivated to exert power through virility; and that men use aggression and violence as a means to restoring power; that men respond to childhood trauma through assaulting others (O'Hare & O'Donahue, 1998; Groth 1979; Fahlberg & Pepper, 2016). On the whole, these psychological hypotheses describe sexual assault as a means for men to compensate for various psychological experiences and beliefs, beliefs which center on their own feelings of emasculation and blame of women, and are thus individualistic in their focus (Connell, 1995).

Feminist theories expand on and challenge psychological theories of sexual assault by looking at socio-cultural systems dominated by men, and thus feminist theories connect the *psychological* to the male-dominated *cultural* (Johnson, 2005; Fahlberg & Pepper, 2016). Feminist theorists examine the influences that masculine cultural factors have on men (and women who become perpetrators, although female assailants are far less common). The Feminist critiques of psychological theories argue that individualist explanations cannot fully capture the myriad ways in which masculine socio-cultural systems influence behavior. For example there are disparities and differences in cases of sexual assault in masculine societies which tolerate and condone aggression against women, and gender-balanced societies that do not (Roze & Koss, 2001). Feminism, in light of feminist theories, is a way of thinking critically about the ways gender and gender expectations perform in the social world. Feminist theories, therefore, operate as critiques of masculinity, patriarchy, and forms of masculine and male domination.

Ashley Judd, the first actress to publicly talk about film producer Harvey Weinstein, expresses her frustration with the culture that enabled a serial harasser to, over a period of twenty years, trade sexual favors for career opportunities. Judd's critique focuses on the culture of the entertainment industry, specifically male dominance and power differentials,

which allowed, nurtured, and tacitly permitted Weinstein to serially harass her and others in their careers. Weinstein's mode of chronic sexual misconduct of subordinates within his industry is inextricably entwined with his powerful position in said industry. Judd characterized Weinstein as leveraging the power and influence he had in the entertainment industry as a means of leveraging power over her sexually. This characterization squares with the feminist theory that men develop in relation to their environments, and if those environments condone and explicitly or implicitly permit sexual misconduct, then sexual misconduct will become normalized. Judd's culture-focused characterizations of Weinstein's actions within her industry are in line with cultural explanations of systems that influence and reinforce bad behavior (O'Hare & O'Donohue, 1998).

This creates a position from which men can attempt to exert power and dominance over women, and if they are successful, these men can be motivated and tacitly encouraged to continue (Cornwall & Lindisfarne, 1994). A male-dominated industry, like a male-dominated culture, can easily blame victims (both male and female) for participating in a culture that tacitly permits sexual assault (Suarez & Gadalla, 2010). When Judd focuses her frustration on the complicit culture of the entertainment industry, noting that after successfully rebuffing Weinstein she was not offered any work by his studio (Kantor & Twohey, 2017), she is responding within the feminist framework which focuses less on the psychology of the perpetrator and more on the systems in which perpetrators thrive.⁶ In these male-dominated, assault-pervasive environments sexual assault becomes a normative act.

There are certain kinds of coercive systems with particular symptoms, like gender disparity, at multiple levels, which foster a culture of pervasive sexual misconduct. The male-dominated culture of media and entertainment can foster symptoms like gender disparity in hiring, gender disparity in representation, and cultures where sexual misconduct is both not uncommon and not rooted out. A culture that nurtures repetitive permitted sexual misconduct transforms into a culture which justifies perpetrator behavior, blames victims, and creates formal modes of silencing like Non Disclosure Agreements. The male-centric, or patriarchal, or masculine culture of media and entertainment industries are self-perpetuating systems.⁷ Without remedies like activism, awareness, and a mass cultural response these workspace environments/industries can predictably continue to reinforce various forms of sexual misconduct and assault (Falk, 1998).

Despite Judd's successes as an actress, she felt ineffectual in holding Weinstein accountable within the entertainment industries that benefitted from Weinstein's success, and in which men's reasons for dominating women are common. Judd first spoke out in 2015, to *Variety*, about her experiences but she did not name Weinstein. Judd uses terms and phrases that are connected to Weinstein's cultural power, like "coercive bargaining," "there's a lot on the line," "how do I get out of this without 'alienating' a power-player in the industry." In other interviews Judd uses terms like "our industry's most famous, admired-reviled bosses," "entrenched reality," and "asymmetry of power." (*Variety*, Ramin Setoodeh, October 6, 2015). Judd later characterized her silence as participating in the system of silencing by Weinstein and enabled by the industry writ large, after a span of years which turned into decades, (Kantor & Twohey, 2017).

When a culture of gender imbalance, enabled abuse, and silencing permeates an industry, the oppression becomes *systemic*. The #MeToo and #TimesUp movements are situated well within the aims of feminist theories about ongoing, systemic sexual misconduct in an environment or culture. For an actress or a journalist pursuing a career in such an environment, success is contingent upon acquiescing to the systems of the culture. "From the outside, it seemed golden—the Oscars, the success, the remarkable cultural impact," said Mark Gill, former president of Miramax Los Angeles while it was owned by Disney.

"But behind the scenes, it was a mess, and this was the biggest mess of all," he added, referring to Mr. Weinstein's treatment of women and the culture which accommodated it (Kantor & Twohey, October 5, 2017).

The upswell of survivors making themselves heard, and the upswell of our collective response to these new narratives is a watershed moment in our collective understanding and response to sexual misconduct in the workplace. #MeToo and #TimesUp activism is dynamic and ongoing, and at the time of this writing (perhaps any writing), it is fluid and evolving. It is aiming toward critical interrogation, understanding, and a re-structuring of the long-standing, misogynist culture of media and entertainment, and of our social culture more broadly. The media and entertainment industries are the first performative trials from which broader cultural understanding is constructed and applied. The ways in which allies and critics respond to these movements is constantly being interrogated and reinvented, in real-time, as these processes unfold.

Women's Voices, Survivor Voices, are Prioritized

One strong theme within feminist theory, and within this new sexual misconduct activism more broadly, is a deep cynicism, and even revulsion, regarding the inclusion of the perpetrators' voices in the new activism. I offer here some analysis of this criticism, and turn to one particular perpetrator statement that, I argue, deserves inclusion in our new transformative narrative. Insofar as these movements critically analyze and interrogate industries with powerful bad behaviors and those who are complicit, I am interested in how these movements can coherently respond to perpetrators who identify the cultural factors that aided and facilitated their behavior. Listening to certain perpetrator explanations, especially those who critically assess the ways in which cultural factors contributed to their behavior, is to take seriously what the survivors argue regarding the systems, mechanisms, cultures, and environments of misconduct and silencing. For example, how is it that beloved comedian Bill Cosby perpetrated sexual assault against young actresses, comedians, models, and others systemically, repeatedly, with the not only the assistance of personal assistants but within the workplace where work colleagues whispered about his bad behavior? I propose that if some perpetrators are offering an explanation of how they perpetuated assault within the workplace, that these explanations—as distasteful as it is to give perpetrators any platform—are relevant insofar as they highlight what feminist theorists highlight about the culture. Acknowledging, including, and validating some perpetrators' apologies and characterizations opens-up these new activism movements toward what they aim at: critical analysis of what happened, how it was perpetuated, how it was accommodated, and how it is synthesized more broadly. I offer that some perpetrator narratives are essential to answering these questions and to furthering a movement toward stopping a culture of sexual misconduct.

In Alan Johnson's *Gender Knot: Unraveling our Patriarchal Legacy*, there is a chapter dedicated to the argument that women must be the ones to rethink patriarchal systems and plan for remedies. Men in these systems are in a paradox, being privileged by their position and in their relationships to women, but also sensitive to having their masculinity challenged, (Johnson, p. 204). Women must challenge male privilege and male solidarity, and challenge the idea that patriarchal manhood is a "negation of womanhood" (Johnson, 186). It is women, who notice the "destructive potential of patriarchal masculinity," who do and need to resist it (Johnson 193). It is women, being survivors and victims, who take the most responsibility for patriarchy and will take the initiative to unravel it (Johnson, 210). What I take Johnson to be saying, and it is certainly echoed in the contemporary commentary of activists within the #MeToo and #TimesUp movements, is that women are

sensitive to these patriarchal systems, they are the ones most effected, most frustrated, most subordinated, and it is their time to speak aloud after being silenced.

I come to an example of a perpetrator statement that is legitimate toward the feminist goals of cultural criticism of patriarchal systems by looking at successful comedian and entertainment mogul Louis CK, and his statement about his serial misconduct of women colleagues. I am especially interested in CK as an individual harasser for a variety of reasons, including that he is a well known and powerful media personality and businessman, and also because he is a father of daughters, an individual who acknowledges feminist themes in his work, a businessman who partners with women as peers and equals. I acknowledge that CK's apology was largely criticized by the activist community, and that arguing, from a feminist perspective, of the inclusion of his apology demands serious (feminist) justification.

A Feminist Analysis of Comedian Louis CK's Apology for Sexual Misconduct

In his statement/apology in the New York Times, Louis CK explains his serial misconduct of subordinate female colleagues and employees. The critique made by media and certain feminist theorists is that, within the current zeitgeist of the #MeToo movement, CK's statement falls short: their argument is that CK did not offer a satisfying apology nor provide a mea culpa exegesis of his (perpetrator's) soul (Nguyen, 2017). Survivors' movements are understandably reluctant to provide narrative space for perpetrators, who among other counter-productive impacts may shift the movement's focus onto themselves (North, 2017). Providing any non-trivial platforms to perpetrators can be characterized as yet another mode of male domination, of oppression, of creating yet another system wherein survivors' voices are subordinated (Martin, 2018). In many ways asking CK to discuss why he serially sexually assaulted his employees and colleagues is to attempt to rationalize and justify behavior we are only now clearly characterizing as a special sort of wrongdoing, and inviting the perpetrators' narrative into a catalyzing survivor movement feels wrong, on many levels. The argument in defense of survivor's voices over perpetrators is that yielding space for the perpetrator is to re-oppress survivors. It is to give the power back to the historically powerful. These are survivor movements and not perpetrator apology tours.

I draw upon feminist reasons that this feminist activism should include this particular perpetrators' reasons into the conversation. First and foremost, CK is not offering a psychological explanation but a cultural one, which feminist analysis deeply respects. CK is not saying, as psychological theorists might, that he was exerting personal vengeance broadly, that he felt inadequate in response to female power, that he felt subordinated by feminine dominance, that he targeted women to compensate for a feeling of emasculation. CK is talking about occupying a superior social position (class, race, economics, power) and how his position was an empowering mechanism, or a mechanism for oppression. Through his elevated social position in an industry, CK's action in different workspaces reverberated across the industry. As such, CK contributed to a culture of sexual misconduct, and a culture he did not create, but which he participated in and took advantage of. CK writes:

At the time, I said to myself that what I did was O.K. because I never showed a woman my [genitalia] without asking first, which is also true. But what I learned later in life, too late, is that when you have power over another person, asking them to look at your [genitalia] isn't a question. It's a predicament for them. The power I had over these women is that they admired me. And I wielded that power irresponsibly.

Asking a subordinate female whether you can expose your genitalia is not in fact a genuine question, as CK rightly discerns. Asking a subordinate female comedy writer is to leverage the power dynamics of the entertainment industry broadly. CK is articulating how his rhetorical question, which is not really a question at all but a signal of how he'd like to leverage his power in that space, fits into Alan Johnson's description of a patriarchal systems of domination (Johnson, 2014).⁸

Take as one example the description of comedians Dana Min Goodman and Julia Wolov and their hotel meeting with CK. The comedians were hoping for a mentoring opportunity, performance opportunity, immediate and long term career success (Ryzick, Buckley & Kantor, 2017). The comedians describe how CK asked (rhetorically, as CK later clarifies in his apology) whether he could masturbate in front of them. The comedians describe being tongue-tied and uncertain. Feminist theorists who research the social dynamics of power and culture would notice that these female comedians embody their subordination—gender, economic, professional. Similarly, CK embodies his dominance—male, successful, connected, wealthy, famous. These socio-economic roles are embodied.

CK writes, "I was widely admired in my and their community, which disabled them from sharing their story and brought hardship to them when they tried because people who look up to me didn't want to hear it," (CK, 2017). In the hierarchy within the entertainment industry it is likely that the powerful career people are men, and so conceptions of male domination and patriarchal systems are appropriate to these scenarios. This scenario is an exemplar of what feminist scholars call *patriarchal spaces*, and how the patriarchal systems are not limited by geography but extend via cultural queues. Women in patriarchal spaces have to apply different adaptive mechanisms in order to succeed in such a system, strategies that can include asking men in superior positions for mentorship. Comedians Min Goodman and Wolov were hoping to receive career guidance, and in the moments of CK's sexual misconduct they were uncertain how to respond. Uncertainty makes perfect sense considering the patriarchal space, the power dynamics, careers at stake, and the myriad other dynamics of the experience.

This is what many of CK's accusers describe, that they were meeting CK in various locations but always within the dynamic of CK's embodied success, and so every meeting would be a patriarchal space. Every industry hopeful looking for mentorship, and who instead were sexually mistreated by CK, was mistreated within a culture that CK and others have permitted. The gender-unequal, masculine power dynamics of CK's profession can nurture the bad behavior of powerful men, and CK is commenting on this very aspect, that "I didn't think that I was doing any of that because my position allowed me not to think about it." CK says that he did not reflect because he didn't have to. His industry, the patriarchal space of his industry, did not demand any self-reflection on his part nor any adjustments to his behaviors. The power CK embodies extends into his every interaction with subordinate industry women, and the industry permitted the way he leveraged that power. This is important information for activists in the #MeToo and #TimesUp movements to have: it's information about cultures, powerful actors, complicity, psychology, and a host of other valuable insights into permitted serial sexual misconduct.

CK's statement is a direct explanation for those who respond to the Cosby, Spacey, Weinstein, Ailes, O'Reilly (the list goes on) accusers with skepticism, such as with questions about where the meeting took place (a hotel, a bar, an office, via video conferencing, over the phone). Questions about consent like, why didn't the women immediately leave? Questions about reporting, like why the women didn't notify the police? Questions like, why didn't peers within the industry address the systems of bad behavior? These questions are impoverished because they, for the most part, are questions about the psychologies of

individuals and not questions about cultures of permissibility. CK is talking about a system used by men of a certain level of national power and wealth to not just serially sexually assault but also to connect to a system of accommodating that misconduct. What CK says applies to Weinstein. What journalist Charlie Rose did applies to CK. We are impoverished in our analysis if we do not address the cultural components of power CK addresses, and how its leveraged across an industry. When CK is talking about how careers are made or broken depending on how the survivors respond, he is talking about systems of oppression that he perpetuated and in which he found himself. These are the sexist, patriarchal, oppressive markers of culture that feminist critics talk about.

CK ultimately provides a road-map for how and why he was able to serially harass women over many years. CK is analogous to Weinstein, Charlie Rose, Bill O'Reilly, Kevin Spacey, the list continues to grow. In sum, CK had power and he abused it. In a more nuanced and layered view, CK leveraged different forms of oppression, masculinity, gender dynamics, wealth, success, permissive culture, and permissive workspaces. Unlike these other perpetrators, CK identifies those cultural markers in his apology, and while the other perpetrators' statements have been inscrutable, arrogant, defensive or wildly wrong, and there are certainly aspects of that in CK's apology CK's is also importantly instructive in ways feminists value.

Conclusion

Perpetrator statements can be successful to activism if they are beneficial to the survivors in non-trivial ways, like identifying clear and distinct mechanisms in environments that contributed to sexual misconduct. In practical terms, these benefits may include: promoting awareness of systems within the entertainment and media industries that can be remedied, transferable to other industries; increasing the clarity of purpose of activism; and clarifying the aims of responses, like censure of perpetrators. The hope is that by critically analyzing and learning from certain perpetrator statements, awareness of the true contributors to workplace sexual misconduct will be identified, mitigated, and ultimately repaired.

CK talks about specifics: that he held careers in his hand. That he influenced other people who could provide these women with professional opportunities. That he did not reflect upon the consequences of his actions because his privileged position meant that reflection was not necessary. These particulars enlighten us regarding other cases because the other cases are part of the culture of sexual misconduct. Thus, CK is enlightening us about factors in other cases, like how power differentials can lead to abuse (Spacey), why people can be victimized but not report to authorities (Cosby), why all victims don't name abusers publicly (Woody Allen), why victims don't all refuse to work with abusers ever again (Weinstein). CK's form of sexual misconduct is beyond egregious, harmful, terrifying, and disgusting, and he tells us how it all flowed from his position of power. CK's statement is useful but it is brief. I would like more from him. I believe that the new activists' movements can benefit from including his statement into their analysis.

Notes

¹ *Rotten Apples* is another website that provides a database of television programs and films and their affiliations with those accused of workplace sexual misconduct, launched in 2018.

² Judd claims not only that Weinstein attempted to sexually assault her but that he harmed her career, blacklisting her within the industry broadly, over the course of a decade, From "Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades," by Jodi Kantor and Megan Twohey Oct. 5, 2017, 2007, *New York Times*. In 2018, about six months after her initial interview in *The New York Times* and five months after

Weinstein's firing, Judd brought a lawsuit against Weinstein for defamation and economic/career losses, citing the misconduct which had occurred over ten years prior, "Ashley Judd Sues Harvey Weinstein, Saying He Harmed Her Career," by Brooks Barners, April 30, 2018, *New York Times*.

³ NBC morning anchor Matt Lauer was fired in 2017 for "inappropriate sexual behavior in the workplace," five years after NBC Today Show co-host Ann Curry brought concerns to NBC executives. After the #MeToo movement started a national conversation NBC re-visited the Lauer accusations. In June 2018, NBC released the results of its internal investigation into Lauer, officially stating that their top executives were unaware of the accusations Curry made. "NBC Universal Releases Findings in Matt Lauer Probe," by Brian Steinberg, May 9, 2018, *Variety*.

⁴ Silencing of victims can be formal or implied. Non Disclosure Agreements are a formal way to enforce a victim's silence. Threats to careers, legal threats of retaliation, and a host of other threats can be implied.

⁵ Sexual misconduct is considered a gendered crime in the sense that the vast majority of victims are women, Greenfield, 1997, while acknowledging that actor Kevin Spacey's accusers are largely men, and that male actor Terry Crews accused a male perpetrator.

⁶ Stacy L. Smith, professor at the University of Southern California's Annenberg School for Communication and Journalism, specializes in gender parity analytics in the entertainment industry, in response to the significant gender inequality therein. As other workspaces make progress in leveling gender disparity, the media and entertainment industries run notably behind. Smith's projects and research show the gender disparity in roles, male dominance in employment at all levels, and the stories that the industry tells which are disproportionately male-centered.

⁷ Cathy Schulman is an Oscar-winning producer and the president of the advocacy group Women in Film, who also advocates for structural responses to gender inequality like *inclusivity pledges*. Ultimately, groups like these are addressing long-standing male domination in the media and entertainment industries.

⁸ A society is patriarchal "to the degree that it promotes male privilege by being male dominated, male identified, and male centered," Alan Johnson, *The Gender Knot*, Temple University Press 2014; 5. Johnson defines patriarchy as "A social system organized around the principles of male dominance, male centeredness, male identification, and an obsession with control that is gendered as masculine," Johnson, 293.

References

- Atwood, M. (2018, January). Am I a bad feminist? *The Globe and Mail*.
<https://www.theglobeandmail.com/opinion/am-i-a-bad-feminist/article37591823/>
- Brookes, E. (2018, January). Me Too founder Tarana Burke: "You have to use your privilege to serve other people." *The Guardian*. <http://www.theguardian.com/world/2018/jan/15/me-too-founder-tarana-burke-women-sexual-assault>
- CK, L. (2017, November). Louis C.K. Responds to Accusations: "These Stories Are True." *The New York Times*. <https://www.nytimes.com/2017/11/10/arts/television/louis-ck-statement.html>
- Cornwall, A., & Lindisfarne, N. (1994). *Dislocating Masculinity: Comparative Ethnographies*. Routledge.
- Fahlberg, A., & Pepper, M. (2016). Masculinity and Sexual Violence: Assessing the State of the Field. *Sociology Compass*, 10(8).
- Falk, P. J. (1998). Rape by Fraud and Rape by Coercion. *Brooklyn Law Review*, 64(143).
- Framke, C. (2018, December). Babe.net's Aziz Ansari story, and the controversy around it, explained. *Vox*. <https://www.vox.com/culture/2018/1/17/16897440/aziz-ansari-allegations-babe-me-too>
- Golshan, T. (2017, October). Study finds 75 percent of workplace harassment victims experienced retaliation when they spoke up. *Vox*. <https://www.vox.com/identities/2017/10/15/16438750/weinstein-sexual-harassment-facts>
- Greathouse, S., Saunders, J., Matthews, M., Keller, K., & Miller, L. (2015). *A Review of the Literature on Sexual Assault Perpetrator Characteristics and Behaviors*. Rand.

- Groth, A. N. (1979). Sexual Trauma in the Life Histories of Rapists and Child Molesters. *Victimology*, 4(1).
- Johnson, A. G. (2014). *The Gender Knot: Unraveling Our Patriarchal Legacy* (3rd edition). Philadelphia: Temple University Press.
- Kantor, J., & Twoher, M. (2017, October). Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades. *New York Times*.
- Mallenbaum, C. (2017, October). Harvey Weinstein scandal: Mega-producer Kathleen Kennedy proposes anti-abuse commission. *USA TODAY*. <https://www.usatoday.com/story/life/people/2017/10/17/kathleen-kennedy-hollywood-abuse-commission/774249001/>
- Martin, G. (2018, April). Let's Hold Off on the Louis C.K. Rehabilitation, Okay? *PASTE Magazine*. <https://www.pastemagazine.com/articles/2018/04/lets-hold-off-on-the-louis-ck-rehabilitation-holly.html>
- Nguyen, H. (2017, November). Louis C.K. Statement Follows Other Self-Indulgent So-Called Apologies. *IndieWire*. <http://www.indiewire.com/2017/11/louis-ck-apology-self-indulgent-masturbation-weinstein-spacey-1201896354/>
- North, A. (2017, December). How to apologize for sexual harassment. *Vox*. <https://www.vox.com/identities/2017/12/5/16710430/sexual-harassment-apologies-matt-lauer-louis-ck>
- O'Hare, E. A., & O'Donohue, W. (1998). Sexual harassment: identifying risk factors. *Archives of Sexual Behavior*, 27(6), 561–580.
- Rearick, L. (2018, January) Margaret Atwood Faces Backlash Following Critique of #MeToo Movement. *Teen Vogue*. <https://www.teenvogue.com/story/margaret-atwood-backlash-metoo>
- Rozee, P. D., & Koss, M. P. (2001). Rape: A Century of Resistance. *Psychology of Women Quarterly*, 25(4), 295–311.
- Ryzik, M., Buckley, C., & Kantor, J. (2017, October). Louis CK Is Accused by 5 Women of Sexual Misconduct. *New York Times*.
- Staff. (2017, ongoing). All 83 Entertainment, Media Men Accused of Sexual Misconduct Post Weinstein. *Hollywood Reporter*. <https://www.hollywoodreporter.com/lists/hollywood-media-men-accused-of-sexual-misconduct-and-harassment-post-weinstein-1057193>
- Staff. (2018, ongoing). Every Powerful Man Facing Sexual Harassment Allegations. *Glamour*. Retrieved from <https://www.glamour.com/gallery/post-weinstein-these-are-the-powerful-men-facing-sexual-harassment-allegations>
- Steinberg, B. (2018, May). NBCUniversal Releases Findings in Matt Lauer Probe – Variety. *Variety*. <http://variety.com/2018/tv/news/nbcuniversal-matt-lauer-findings-report-1202804266/>
- Suarez, E., & Gadalla, T. M. (2010). Stop Blaming the Victim: A Meta-Analysis on Rape Myths. *Journal of Interpersonal Violence*, 25(11), 2010–2035.
- Union, G. (2018, April). Tarana Burke \textbar TIME. *TIME Magazine*. <http://time.com/collection-post/5217577/tarana-burke/>

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