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Patriarchy, Scandal, and Gendered Victimhood: A Critical Reading of the Epstein Files

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ABSTRACT

The public circulation of the Epstein files and related disclosures marked a significant moment in contemporary discussions of sexual exploitation, elite power, and gendered violence. Yet, despite the scale of the revelations, the aftermath of the scandal reveals the resilience of patriarchal structures that absorb, deflect, and ultimately survive exposure. This paper examines how the Epstein case functions as a cultural text through which patriarchy negotiates scandal, redistributes blame, and reasserts power, particularly through the gendered framing of victims and accountability. Drawing on feminist theory, trauma studies, and scholarship on power, consent, and institutional complicity, the study analyses media narratives, legal discourse, and public responses surrounding the Epstein files. The paper argues that while the scandal ostensibly centres on systemic sexual abuse, dominant narratives frequently individualise harm, sensationalise female victimhood, and obscure networks of male power and institutional protection. The gender of the victims, predominantly young women and girls, plays a crucial role in how credibility, sympathy, and moral judgment are unevenly distributed, reinforcing long-standing patterns of victim-blaming and silencing. The study further explores how patriarchal systems endure scandal by shifting focus from structural exploitation to exceptional deviance, allowing elite masculinities, and enabling institutions to remain largely intact. By situating the Epstein files within broader contemporary debates on gendered violence and accountability, this paper argues that scandal alone does not dismantle patriarchy; instead, it often becomes a mechanism through which patriarchal power adapts and survives. Ultimately, the paper positions the Epstein case as a critical lens for understanding how gendered injustice persists even in moments of public revelation and outrage.

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I. Introduction

In January 2024, the unsealing of court documents in Giuffre v. Maxwell placed before the public a record that many had long suspected existed: a detailed, institutional account of Jeffrey Epstein's decades-long network of sexual exploitation. The documents named financiers, politicians, academics, and other public figures whose connections to sustained, systemic abuse had been alleged for years but rarely formally documented (Giuffre v. Maxwell 2015). For a moment, the scale of what had been concealed seemed impossible to contain. Yet within months, the networks implicated in the files were largely undisturbed. Investigations stalled. Institutions issued statements. Life continued.

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That gap, between the enormity of what was revealed and the meagreness of what followed, is what this paper tries to explain. The Epstein case is not, at its core, a story about one man's crimes, or even about a prosecution that went wrong. It is, we argue, a political and cultural event that made visible something usually kept out of sight: the adaptability of patriarchal power under conditions of public pressure. Walby (1990, 20) argues that patriarchy is not a static edifice but a system that reorganises in response to challenge. The Epstein scandal did not rupture that system. It showed how the system works.

This is not a new observation in the abstract — scholars of elite power have long noted that high-profile scandals rarely produce the structural change that public outrage seems to demand (Lull and Hinerman 1997; Thompson 2000). What makes the Epstein case worth sustained feminist analysis is precisely its specificity: the sheer volume of documentation, the duration of the abuse, the breadth of named associations, and the visibility of the institutional failures that protected it. Thompson (2000, 245) describes scandal as a 'mediated event', shaped as much by narrative convention as by the facts it discloses. In the Epstein case, narrative management was as consequential as any legal process.

The gendered dimensions of that management are the paper's central concern. The victims were overwhelmingly young women and girls, many of them economically precarious, and what happened to their testimony, how it was received, framed, challenged, and eventually managed, was not incidental to the scandal's outcome. It was constitutive of it. Herman (1992, 8) makes clear that the social and political context in which trauma is recognised determines whether survivors are believed or silenced. Meyers (1997) has shown that media narratives about female victims of sexual violence consistently reproduce patterns of scrutiny and blame. Both observations apply, with depressing precision, to what the Epstein record reveals.

This paper analyses the Epstein files as a juridical corpus rather than a factual archive — as a body of texts shaped by redaction, adversarial interest, and institutional self-protection. The approach draws on FCDA, which treats language, genre, and institutional convention as sites of gendered power rather than neutral vehicles for information (Lazar 2005; Wodak 1997). Legal documents, as Ehrlich (2001) demonstrated, do not simply record what happened; they construct accounts of agency, consent, and responsibility that frequently work against women. The Epstein files, we argue, do exactly this. The paper identifies three interlocking mechanisms through which patriarchal structures managed and survived the scandal: the individualisation of deviance, the gendered framing of victims, and the institutional insulation of elite masculinity. Each is examined through close analysis of documents, legal discourse, and the media narratives that shaped public understanding of the case. The Epstein case is not an anomaly; it is a lens.

II. Literature Review and Theoretical Framework

The theoretical architecture of this paper is built to answer a specific question: how does patriarchal power survive scandal? That question requires tools that work at three different levels simultaneously- the epistemological, asking how women's testimony comes to be refused; the ontological, asking how certain lives are made structurally invisible; and the structural, asking how patriarchal systems absorb pressure without transforming. The following section maps those three levels and situates them in relation to each other, as well as to two comparative cases that test the analysis against different outcomes.

1.The Epistemological Dimension: Why Women's Testimony Is Refused

Before patriarchal institutions can individualise harm, or insulate their networks, or survive exposure, they must first manage the testimony of those who have been harmed. The question is not really whether individual women are telling the truth. Whether the conditions exist for their truth to be received is worth exploring. Leigh Gilmore's Tainted Witness (2017) is the most precise account we have of why those conditions so often do not exist. Gilmore argues that women are not simply -

disbelieved; they are simply made to disbelieve, through what she calls the testimonial network: a social apparatus that brings historically accumulated scepticism about female speech to bear on any woman who attempts to give an account of harm. In the Epstein case, the FBI memo describing Virginia Giuffre's testimony as 'sensationalized' is not an isolated assessment; it is the testimonial network activating its 'history of bad faith' (Gilmore 2017, 3). Gilmore's The #MeToo Effect (2023) extends this analysis to ask what has to change for women to be believed, and that question provides the comparative foundation for the paper's reading of the Polycot case.

Miranda Fricker's Epistemic Injustice (2007) gives sharper philosophical precision to what Gilmore describes sociologically. Fricker distinguishes two forms. Testimonial injustice occurs when a speaker's credibility is discounted because of who she is rather than what she says: a gendered, classed, aged prejudice masquerading as evidential assessment. Hermeneutical injustice runs deeper: it names the condition in which someone lacks the very conceptual vocabulary to make sense of what is being done to her. Grooming is, among other things, a systematic dismantling of that vocabulary. Annie Farmer's description of carrying the prison bars in her own mind is not a metaphor; it is a precise account of hermeneutical injustice lived from the inside.

Judith Lewis Herman's Trauma and Recovery (1992) adds a dimension that Fricker's philosophical account cannot supply: a political and clinical explanation for why institutions fail survivors so consistently and so predictably. Herman's core observation, that 'the ordinary response to atrocities is to banish them from consciousness' (1992, 1), is not a claim about individual psychology. It is a claim about whose interests are served by not knowing. The decade-long inaction following Maria Farmer's 1996 FBI complaint, the terms of the 2008 non-prosecution agreement (NPA), and the persistent media centring of elite associations over survivor testimony have resulted in none of these making any sense as isolated failures. They make sense as expressions of a collective interest in not confronting what systematic accountability would require. Gilmore, Fricker, and Herman together produce a layered account: Gilmore at the level of the social apparatus, Fricker at the level of specific discursive acts, Herman at the level of institutional and political interest.

2.The Ontological Dimension: Precarity, Performativity, and Ungrievable Lives

Butler's concept of precarity (2004, 2009) insists on a distinction that matters enormously here. Precariousness is defined as the vulnerability of bodily life, its exposure to injury and loss, and its universality. While precarity is not. Precarity is the politically induced condition of populations who are 'differentially exposed to injury, violence and death' (Butler 2009, 25) through the withdrawal of institutional protection. The Epstein victims were not simply vulnerable young women. They were made vulnerable through traceable acts of institutional decision-making: the FBI's choice not to act on Maria Farmer's complaint; the prosecutorial decision to immunise co-conspirators in secret; the 2026 redaction failures that exposed survivors while shielding named male associates. These are not unfortunate accidents. They are the administration of precarity, a deliberate allocation of exposure to harm. Butler's related concept of grievability extends the argument: lives positioned as less than fully grievable are also lives whose harms do not fully demand accountability. To call a child a prostitute in a legal document, and to lead with her marginality in a news report, is to say the same thing twice: her life does not fully count, and therefore neither does what was done to it.

Butler's theory of gender performativity (1990, 1993) functions in a different but complementary direction. Gender, Butler argues, is not a fixed identity but something constituted through repeated, institutional acts. Following this definition of gender, the language of the Epstein juridical corpus does not merely describe identities; it produces them. The word 'massage' where 'rape' should appear, the bilateral framing of encounters involving profound power asymmetry, and the designation of minors as commercial participants are all performative acts. They construct the girls as agents in a transaction, and Epstein as a consumer of services. The documents do not neutrally record what happened, but they constitute the meaning of what happened in ways that serve power.

3.The Structural Dimension: Patriarchy Survives

The epistemological and ontological dimensions explain how harm is made invisible and testimony refused. The structural dimension explains why the system that produces these effects persists after the scandal has passed.

Sylvia Walby's Theorizing Patriarchy (1990) is the foundational text here. Walby insists that patriarchy is adaptive, that it responds to challenges by reorganising rather than collapsing. This paper follows the same organising assumption. Her identification of six interlocking structures through which patriarchy operates (paid work, household production, sexuality, culture, violence, and the state) is directly applicable to a case that implicates all six simultaneously. The state's prosecutorial deference, the cultural apparatus of the celebrity-scandal frame, the violence normalised through legal euphemism, and the co-optation of a female procurer, these are not independent failures. They are a system doing what systems do.

Raewyn Connell's work on hegemonic and complicit masculinity (1995) explains a feature of the Epstein case that might otherwise seem puzzling: how a network of powerful men, many of whom possessed incriminating information about Epstein's conduct for years, maintained their positions without any visible coordination. According to Conell, masculinity does not require conspiracy. It operates through the ordinary habits of elite networks in which protecting the conditions of privilege is the default behaviour. The asymmetry at the heart of the scandal's legal outcomes, one woman convicted, no male co-conspirators charged, is not a paradox. It is Connell's framework validated in reality. Angela McRobbie's concept of the double entanglement (2009) names the ideological mechanism that makes this legible as justice: feminist language is deployed in the service of an outcome that leaves patriarchal structures intact, performing accountability through a female body whilst the male network walks away. Liz Kelly's continuum of sexual violence (1988) anchors the analysis of institutional failure by insisting that no instance of sexual violence can be understood without the structural conditions that make it possible. Institutional tolerance is not an aberration from normal functioning. For Kelly, it is an expression of it.

Taken together, these frameworks make it difficult to read the scandal as a rupture. The appearance of accountability, rather than signalling transformation, becomes part of the mechanism through which patriarchy secures its persistence. The scandal, then, does not mark the breakdown of structure but its successful adaptation.

4.Comparative Cases and the Scholarly Gap

Two contemporary cases bookend the Epstein analysis, offering instructive points of comparison. In 2024, Gisèle Pelicot declined anonymity protections and insisted on a public trial in France, resulting in the conviction of all 51 defendants. Read alongside Leigh Gilmore on the conditions required for adequate testimonial reception, the Pelicot case becomes analytically indispensable: it demonstrates that testimonial injustice is contingent on particular configurations of evidence, legal standards, and credibility frameworks rather than being a fixed or inevitable feature of sexual violence adjudication. Where video evidence curtailed the usual mechanisms of credibility denial, where legal proceedings could not easily displace testimony, and where the survivor refused the position of the discredited witness, conviction became possible. Yet its limitations are equally significant. Sentences drew criticism for their leniency, and France's legal definition of rape continued to prioritise force over the absence of consent. Structural accountability, even here, remained incomplete. The Pelicot case, then, does not signal resolution; it reveals a fissure within an otherwise resilient structure.

The 2025 Sean Combs prosecution offers a different kind of comparison. Despite extensive victim testimony and video evidence, Combs was acquitted of racketeering and sex trafficking, the charges that would have named the systemic character of the abuse, and convicted only on counts related to transportation for the purposes of prostitution, receiving four years and two months. The echo of -

Epstein's 2008 plea is unmistakable: in both cases, transactional legal categories that spread agency ontovictims produced the conviction, whilst the charges requiring the court to see the abuse as networked and structural did not. The Combs case also introduces race as a dimension that the Epstein analysis cannot supply. Arguments circulating in public discourse framed the prosecution as racially motivated, which is a move that mobilised solidarity with a powerful Black male defendant in ways that directly competed with the credibility of predominantly female accusers. This complicates the picture without undermining it: the mechanisms of complicit masculinity and testimonial injustice operate across racial lines wherever sufficient wealth and institutional access are present.

Existing scholarship on the Epstein case has been largely journalistic or legal-descriptive (Patterson and Connolly 2016; Araoz and Farmer Araoz 2022). Where feminist analysis has appeared, it tends to address media coverage in general terms or legal failures in isolation. No existing study reads the files themselves as a juridical corpus constituted by discursive practices that reproduce gendered power, nor brings the full range of frameworks identified here into sustained, integrated dialogue with the primary corpus and the comparative cases. That is what this paper attempts.

III. Methodology

The methodological approach is FCDA, as theorised by Lazar (2005, 5), who defines it as concerned with how 'gender power relations are discursively reproduced, negotiated, and contested in texts and talk in specific social and institutional contexts. FCDA sits within the broader Critical Discourse Analysis (CDA) tradition of Fairclough (1992), van Dijk (1993), and Wodak (1997), which proceeds from the premise that language is a site of social production: discourse constitutes identities, naturalises ideology, and reproduces relations of domination. FCDA insists that gender is not incidental to these effects but structurally constitutive of them.

Three analytical procedures run through the analysis consistently. Close lexical and grammatical analysis treats word choice and syntactic structure as ideologically significant rather than stylistically incidental. For example, the preference for 'massage' over 'abuse', passive constructions that dissolve perpetrator agency, and bilateral framings of grossly unequal encounters are each read as discursive acts with real consequences for how harm is distributed and understood. Narrative framing analysis attends to what is foregrounded and what is pushed to the margins, whose perspective organises events, and what narrative choices serve which interests. Institutional genre analysis treats the legal document, the prosecutorial memo, and the media report as genre formations with specific conventions that actively shape what can and cannot be said within them. The theoretical tools developed in Section 2, Gilmore's testimonial network, Butler's precarity and performativity, Fricker's epistemic injustice, Herman's politics of disbelief, Walby's adaptive patriarchy, Connell's complicit masculinity, McRobbie's double entanglement, Kelly's continuum, are the analytical instruments applied throughout.

The primary corpus spans five categories: court documents unsealed in January 2024 and released under the Epstein Files Transparency Act (EFTA, 2025) in January 2026; legal and prosecutorial documents including the 2008 NPA and the 2020 Department of Justice (DOJ) Office of Professional Responsibility report; victim testimony including impact statements from the June 2022 Maxwell sentencing and grand jury transcripts released in 2024–2025; a selection of mainstream Anglophone media coverage from 2019 to 2026; and institutional statements from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and survivor advocacy organisations. None of these materials is treated as a transparent archive. They are discursive productions shaped by redaction, adversarial strategy, and institutional interest, and they are as significant for what they withhold and how they frame as for what they state directly. The Pelicot and Combs cases are incorporated as what van Dijk (1993, 252) calls 'critical exemplification'; they are employed not to test hypotheses across populations but to make features of the primary case visible through contrast and parallel.

This paper takes an explicitly feminist critical position. Following Haraway's (1988, 581) argument for situated knowledge, we treat that position not as a source of bias but as a condition of the analytical commitments that make certain patterns in the corpus visible. Survivor testimony is included as political speech, cited to illuminate structural conditions rather than to adjudicate individual truth claims or subject speakers to further scrutiny. The study is confined to the publicly available Anglophone record, and the uneven availability of testimony in that record is itself an analytically significant feature of the case rather than a neutral limitation.

IV. Analysis

1.How the Files Speak: Language, Erasure, and Juridical Framing

The question to ask of the Epstein files is not only what they say but how they say it. The language across the juridical corpus, police reports, grand jury transcripts, depositions, prosecutorial memoranda, and the NPA itself, is structuring the narrative. It is constituting identities, distributing agency, and determining what counts as harm. Reading that language carefully reveals a coherent and consistent pattern of discursive violence that predates, and exceeds, any individual document or decision.

When the Palm Beach County grand jury indicted Epstein in July 2006, it returned a single count of solicitation of prostitution, a designation that did not acknowledge that the victims were minors (DOJ OPR 2020). When Epstein pleaded guilty in 2008 under the NPA, he did so to 'soliciting and procuring a minor for prostitution'. As legal scholar Blanche Bong Cook has pointed out, this formulation is 'an oxymoron, referring to a child as a "prostitute"' (Cook 2022, 311). The charge does not merely minimise the offence. It repositions the child as a participant in a commercial transaction, shifting her from an unambiguous victim to a figure carrying the moral and legal stigma of prostitution. Advocacy organisations have long noted that the phrase 'child prostitution' historically implied agency and consent that children cannot legally or developmentally possess, and in practice often resulted in the criminalisation of the very survivors the law claimed to protect (Ethical Storytelling 2019). This is not unfortunate phrasing. It is Butler's (1990) performative apparatus in operation: the legal text constituting the identity of the victim in ways that serve the interests of those with power.

The same logic runs through the word 'massage'. The Palm Beach Police Department opened its investigation in 2005 after the parents of a fourteen-year-old girl reported that Epstein had paid her for a massage (DOJ OPR 2020). A subsequent FBI investigation identified at least 35 girls recruited under a similar pattern between 2002 and 2005. In Detective Joseph Recarey's deposition, released in the unsealed Giuffre v. Maxwell (2015) documents, he described how Epstein and Maxwell recruited girls for massages that 'led to sexual activity' (CNN 2024). The phrase 'led to' is doing significant grammatical work. It frames the escalation from massage to rape as a sequential process rather than a deliberate act, it becomes something that happened, rather than something that was done. Epstein's agency dissolves; the assault becomes an outcome rather than a choice.

The grand jury transcripts reinforce this pattern. FBI interview notes recording one victim, approximately fourteen years old at the time, describe her giving Epstein 'uncomfortable' massages on occasions where 'they were both naked' (CNN 2026). The bilateral phrasing places the adult perpetrator and the minor in symmetrical grammatical positions, obscuring the profound asymmetry of age, authority, and coercion structuring the encounter. The same notes record that she 'felt degraded when she went to Epstein's home' and 'felt taken advantage of', but also that she 'felt happy because she had a bunch of money' (ibid.). These fragments of ambivalence, presented without contextual framing, function as textual hedges in the institutional record, introducing interpretive uncertainty that complicates her status as a straightforward victim. This is hermeneutical injustice (Fricker 2007) at the level of documentation: the absence of an adequate conceptual framework for naming grooming and coercion produces a record that appears to inculcate the witness rather than the perpetrator.

Document EFTA00011433, a contact and masseuse list compiled for Epstein's use, makes the commodification of women explicit. Women are described almost entirely through brief evaluative fragments combining age with physical or sexualised attributes: 'Sexy and lots of fun;' 'Huge breasts Very wild;' 'wants to leave Sweden.' The document concludes: 'Please advise if you want me to pre-set up any apts with these girls, time and place' (EFTA00011433, cited in DOJ 2026). Subjectivity is absent throughout. As Ehrlich (2001) argues, this is precisely how institutional language constructs women within systems of male consumption: as catalogued attributes to be selected, circulated, and scheduled. Economic vulnerability, 'wants to leave Sweden,' appears alongside youth and sexual availability as a recruitment criterion.

Document EFTA02575464, an email chain forwarded by Mark L. Epstein to Jeffrey Epstein in September 2013, five years after Epstein's conviction as a registered sex offender, circulated a draft letter in which the author writes that he 'took her under my wing and proceeded to sexually abuse her', framed as dark humour (DOJ 2026). The woman exists only as the object of narration. The mock-formal register aestheticizes the description of abuse as wit, and the forwarding of the email to Epstein as entertainment demonstrates that conviction had produced no rupture in the social world through which the network operated. In Connell's (1995) terms, this is hegemonic masculinity at the level of everyday interaction, complicity performed through shared humour, the degradation of women serving as a bonding mechanism.

The January 2026 file release added a final and particularly painful dimension. Flawed redaction practices left the names of 43 out of 47 victims visible in the initial release, whilst numerous alleged male associates remained unidentified (Wall Street Journal 2026). A DOJ official initially told CNN that 'we did not redact any names of men, only female victims', a statement that later proved inaccurate (CNN 2026). A group of survivors issued a statement noting: 'As survivors, we should never be the ones named, scrutinised, and retraumatised while Epstein's enablers continue to benefit from secrecy' (ibid.). The inversion is structurally revealing: at the level of document management, institutional procedure reproduced exactly the asymmetry of protection that had characterised the case from the beginning. OHCHR's February 2026 statement characterised the conduct documented in the files as reflecting 'the commodification and dehumanisation of women and girls from different parts of the world' within a broader context of 'extreme misogyny' (OHCHR 2026). That characterisation comes from a United Nations body, not from feminist scholarship. The files made it unavoidable.

2.The Monster and the Network: Individualisation as Ideological Strategy

Jeffrey Epstein was routinely described, in coverage following his 2019 indictment and after his death, as a monster, a predator, an evil financier. These words communicate moral condemnation. They also do something less visible but more consequential: they locate the source of the abuse in one man's deviance rather than in the structural conditions that enabled and protected it. This is not an incidental feature of media coverage. It is the ideological work of what Thompson (2000, 245) calls the individualisation of scandal.

Thompson argues that scandals rarely function as sustained critiques of social structure. They work through narrative concentration: focusing public attention on the transgression of a particular individual, whilst the networks of complicity, institutional failure, and structural inequality that enabled the transgression recede into the background. The adjective 'lone,' as in 'lone predator,' performs this function lexically, marking Epstein as isolated from wider social structures even as the documents reveal he was embedded within them. The narrative simplification is not accidental; the scandal must reach what Thompson calls resolution. Once the individual is removed, by conviction, by death, by disgrace, the story has somewhere to end. The system that produced him has no such convenient endpoint.

The 2008 NPA makes this dynamic institutional as well as narrative. By immunising unnamed co -

conspirators and conducting the entire process in secret, in violation of what a federal court would later find to be the Crime Victims' Rights Act (Doe v. United States 2020), the agreement ensured that the legal record would centre on Epstein alone. The network was not simply overlooked; it was legally protected. Documents released under EFTA in 2026 illustrate what that protection covered. EFTA02575464 shows the social world continuing around Epstein's conduct five years after his conviction without apparent disruption (DOJ 2026). Relationships with powerful figures persisted, private correspondence circulated, and elite networks operated as before. Kelly's (1988) continuum insists that this continuity is the point: institutional tolerance is not a failure of the system but an expression of it.

The pattern becomes particularly clear in what the released documents do not explain. Over the course of the investigations, connections between Epstein and a wide range of individuals across finance, politics, and academia were documented. These connections frequently appeared in coverage as background details rather than as the central elements of a systemic analysis. The story stayed focused on the figure of Epstein. The structural question, how had this been possible for so long, and who had made it possible, was persistently displaced by the more dramatic question of what Epstein had done. Scandal discourse, as this paper argues, is one of the means by which patriarchal systems discharge the pressure of public outrage without undergoing substantive change. It produces the appearance of moral closure. The perpetrator is condemned. The system that produced him is not.

3.Credibility, Class, and the Distribution of Blame

The Epstein victims did not enter public discourse as a group accorded uniform sympathy. The reception of their testimony was shaped by deeply gendered assessments in which age, class, appearance, and behaviour all functioned as criteria for the uneven distribution of credibility. These assessments reproduced, in the specific context of this scandal, patterns that feminist scholars have documented across sexual violence cases for decades (Meyers 1997; Bohner, Siebler, and Schmelcher 2013).

Virginia Giuffre is the most instructive example. Maxwell's lawyers, in the unsealed 2015 deposition materials, worked systematically to undermine her credibility, accusing a reporter of helping her construct false accounts (Giuffre v. Maxwell 2015, cited in ABC News 2024). When Giuffre withdrew claims against one named individual in 2022, stating she 'may have made a mistake' in identifying him, noting she 'was very young at the time' and that 'it was a very stressful and traumatic environment' (Fox Baltimore 2022), the withdrawal circulated widely as evidence of her unreliability rather than as a survivor's description of the cognitive and psychological effects of sustained trauma. This is precisely the credibility asymmetry Herman (1992) identifies: trauma memory is non-linear and episodic by neurological design, and treating its apparent inconsistencies as fabrication is a socially motivated choice rather than a neutral evidential assessment.

Grand jury testimony released in 2024 and 2025 shows how the legal record itself participated in victim framing. Detective Recarey's testimony recounts that one teenage victim likened herself to Hollywood Madame Heidi Fleiss and told detectives that the girls she recruited 'understood what they were getting into' (PBS 2025). The inclusion of these self-characterisations in the official record functions to redistribute moral responsibility onto the victims. That they emerged under police questioning, in a context of profound power imbalance between a minor and law enforcement, is rarely foregrounded in the public discussion of what the transcripts contain. Fricker's (2007) account of hermeneutical injustice helps explain why: without an adequate framework for naming grooming and coercion, neither the victim nor her questioners have the conceptual resources to make the dynamic legible, and the resulting record reflects that deficit rather than the truth of what occurred.

The masseuse list EFTA00011433 adds a structural dimension. The entry noting that one woman 'wants to leave Sweden' positions geographic and financial precarity as an attribute of appeal (DOJ

2026). As Rights4Girls and other advocacy organisations have argued, framing these encounters through the language of financial exchange individualises the apparent 'choice' to participate whilst erasing the structural conditions of poverty and precarity that made girls vulnerable in the first place. This is Butler's (2009) precarity in operation: the administration of vulnerability as a feature of the recruitment infrastructure, rendering the resulting 'transactions' legible as choices rather than as the exploitation of manufactured exposure to harm.

The contrast with the treatment of men in the same documents is sharp. EFTA02575464 contains a joking admission of sexual abuse forwarded between men as entertainment (DOJ 2026). Had an equivalent admission appeared in a victim's testimony, it would almost certainly have been subjected to intense scrutiny and challenged as exaggeration. Circulating casually among men, it passed without legal consequence. The asymmetry could not be more precisely drawn: women's carefully articulated accounts of abuse were contested, minimised, and weaponised against them, whilst men's own casual acknowledgements of abusive conduct moved unremarked through their social networks.

4.The Network That Survived: Elite Masculinity and Institutional Protection

The most consequential demonstration of patriarchal resilience in the Epstein case is structural: the near-total survival of the networks and institutional arrangements that enabled and protected the abuse. OHCHR warned in February 2026 that accountability remained 'limited, with only one close associate under investigation' and that 'resignations of implicated individuals alone are not an adequate substitute for criminal accountability' (OHCHR 2026). The gap between the volume of what was released and the thinness of what followed demands an explanation beyond procedural failure.

The NPA is the primary legal mechanism of that survival. As the DOJ OPR confirmed (2020), the agreement allowed Epstein to serve a thirteen-month sentence at a minimum-security county facility with work-release privileges, whilst extending immunity to unnamed co-conspirators and conducting the entire process without the knowledge or input of victims. The Palm Beach Police Department's chief and lead detective had specifically noted that the original charge did not reflect 'the totality of Epstein's conduct' (NPR 2019). The subsequent federal process produced a result more protective of Epstein and his network than of anyone who had been harmed. The federal court's later finding that this violated the Crime Victims' Rights Act (Doe v. United States, 2020) confirmed what was already apparent: those with the greatest interest in accountability had been deliberately excluded from the process that determined it.

The social and institutional capital Epstein had accumulated did not dissolve upon conviction. Document EFTA02575464 records that elite social relationships continued to function around him five years after his plea, with correspondence circulating as before (DOJ 2026). Connell's (1995) framework of hegemonic masculinity is analytically useful here: elite men's social standing is secured not merely by individual power but by mutual recognition and protection within networks of privileged masculinity. The longevity of those networks, their capacity to outlast both Epstein's conviction and his death, reflects precisely this dynamic. Complicit masculinity does not require active conspiracy. It operates through the ordinary habits of mutual protection that constitute elite masculine identity.

The asymmetry in the DOJ's 2026 redaction procedure reproduces, at the level of bureaucratic process, the same structural imbalance. Victim-identifying information was technically prioritised for protection, but in practice frequently exposed; information implicating male associates was more consistently shielded (DOJ 2026). Survivors told CNN the DOJ had 'protected the Epstein class with blanket redactions' (CNN 2026). A DOJ official's initial claim that no male names were redacted, subsequently proved inaccurate, made visible an institutional logic that had been operating throughout: the interests of powerful men were treated as a default worth protecting, whilst the identities and safety of survivors were a secondary consideration. McRobbie's (2009) double entanglement is precisely the right frame for Maxwell's conviction as the singular institutional -

outcome: feminist accountability was performed through a female body, and the male network survived intact.

V. Discussion

What the four analytical movements above reveal, taken together, is not a series of independent institutional failures but a coherent system doing what adaptive systems do. The discursive violence of the juridical language, the individualising narrative logic of scandal, the gendered management of credibility, and the structural insulation of elite networks are mutually reinforcing. Each mechanism makes the others more effective. Linguistic violence in the legal record creates the hermeneutical conditions in which testimonial injustice can operate. The individualising narrative of scandal redirects accountability away from the networks that testimonial injustice is protecting. Institutional insulation ensures that the legal architecture cannot name what it has itself helped to produce. This is Walby's (1990) adaptive patriarchy in its most consequential form: not a monolith resisting change, but a dynamic system reorganising under pressure.

The comparative cases show that the analysis still works across different outcomes, though with some important limitations. The Pelicot case shows that the apparatus of testimonial discrediting is contingent: when its conditions were disrupted, when video evidence removed the standard tools of credibility denial, when a survivor publicly refused the position of tainted witness, and when public and institutional conditions created sufficient political pressure, conviction followed. But even there, sentences were inadequate, structural barriers persisted, and the outcome remained exceptional. Gilmore's (2023) account of adequate testimonial reception describes a structural possibility, not a new norm. The Combs case confirms that the pattern identified in the Epstein analysis holds across different social contexts and racial registers: the charges requiring the court to name the systemic character of the abuse failed; the transactional charges that spread agency onto victims succeeded. The echo is exact.

What distinguishes the Epstein case, in the end, is not the structure but the scale of its visibility. The breadth of the documentation, the duration of the abuse, and the number of named associations all created conditions for exposure that were, in theory, extraordinary. That the structural consequences were so limited is not a failure of the scandal. It is the scandal's achievement. The purpose of the mechanisms this paper has traced is not to prevent exposure: it is to ensure that exposure does not lead to transformation. Epstein's death provided narrative closure. Maxwell's conviction provided moral closure. The conditions that made the abuse possible, he administered precarity, the uneven grievability, the social capital of complicit masculinity, the institutional tolerance that Kelly (1988) identifies as ordinary rather than exceptional, were left entirely intact.

VI. Conclusion

This paper has argued that the Epstein scandal did not reveal a system that failed. It revealed a system that functioned. The three mechanisms traced across the analysis, the individualisation of deviance, the gendered management of victim credibility, and the institutional insulation of elite networks, are not aberrations of patriarchal power. They are its characteristic expressions under conditions of scrutiny. The juridical corpus of the Epstein files does not merely record what happened. It participates in constituting the meaning of what happened, and does so in ways that systematically protect the powerful and expose the vulnerable.

The two comparative cases suggest that different outcomes are possible, and that understanding the conditions under which they occur is essential for feminist politics. Gisèle Pelicot's decision to waive anonymity and insist on a public trial was, among other things, a refusal of the position the testimonial network assigns to survivors. That refusal had structural effects. It did not resolve the underlying conditions, but it disrupted them. The Combs case shows that where those conditions are not disrupted, the same legal patterns reproduce themselves across different social contexts. The problem

is not particular institutions or particular men. The problem is a system. What genuine accountability would require, the analysis suggests, is transformation at the structural level: legal language that does not designate children as prostitutes; institutional design that does not administer precarity; epistemic conditions in which trauma testimony receives what Gilmore (2023) calls adequate reception; and a cultural politics capable of distinguishing accountability from its performance. Scandal, by itself, cannot produce any of these things. What it can do, and what the Epstein case has done, despite everything, is make the structure temporarily visible. The task of feminist scholarship is to hold that visibility steady, and to insist that what has been seen cannot be unseen. The Epstein case is not an anomaly. It is a lens. What matters now is what we do with the view.

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