

## FURTHER PROBLEMATIZING THE #METOO MOVEMENT

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**Abstract.** *Critics of the #MeToo movement claim that it has gone too far, that not enough hierarchies of abuse have been created to distinguish between the worst kinds of behaviors and those that are problematic but not criminal. The contention is that the #MeToo movement casts too wide a net. In this paper, I make an argument to the contrary: the #MeToo movement has not gone far enough in calling out the totality of abuse women, and some men, face daily. Left outside of the sexual harassment paradigm is gender-based sexual harassment that is not imbued with sexuality but nonetheless happens because of a person's sex. I advance two related claims. First, the history of how we came to our current understanding of sexual harassment shows the sexualization of sexual harassment occurred because of political, legal, and practical reasons. Nothing confines us to our current view. Second, I argue against the position that sexual harassment is sui generis from gender-based harassment; rather, both emanate from the same psychological states and are thus on a continuum. I conclude by connecting the prevalence of quid pro quo forms of harassment to gender-based harassment to show that if we do not expose and attempt to end the latter, it is unlikely we will make inroads in preventing the former. It is incumbent upon proponents of the #MeToo movement to use a more expansive definition of this phenomenon.*

**Key words:** *#MeToo Movement, sexual harassment, feminism, sex discrimination, gender.*

### 1. INTRODUCTION: THE CURRENT LANDSCAPE

One of the debates surrounding the #MeToo movement is whether to create different categories of sexual harassment and thereby identify various behaviours as being more or less abhorrent or to treat all instances as having the same weight. A flurry of articles and opinion pieces in 2017, 2018, and 2019 have focused on precisely this point: #MeToo adherents risk undermining the gains made by this movement if they treat the spectrum of behaviours that have recently been called out as being equal (Rosenburg 2017; Wilhelm 2017; Cromwell 2017; Dalmia 2017; Stephens 2017; Garber 2018; NPR 2018; Emmons

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2019). Instead, the claim is that distinctions should be made between monstrous behaviour (like the sexual assault perpetrated by Harvey Weinstein and Matt Lauer, for example) and garden variety sexual bungling (the Aziz Ansari case appears to be paradigmatic of these kinds of lesser sins). At issue is that some behaviours require harsher punishment while other kinds of intolerable but private acts may evoke moral condemnation but are certainly not illegal, and thus do not count as a real instance of sexual harassment. To conflate these different kinds of behaviour as equal and deserving of the same punishment – career decapitation in several of the cited cases – is a bridge too far for those critical of where the #MeToo movement is currently headed.

For victims of sexual harassment, this is also a debate about legitimization: to count a behaviour as an instance of sexual harassment carries moral and legal weight in a way that makes it harder to delegitimize the victim's experience and/or claim. Conversely, experiences that fall outside the confines of sexual harassment are considered morally dubious, and thus condemnation is harder to come by.<sup>1</sup> For individuals who experience something outside the scope of traditional notions of quid pro quo sexual harassment, their experiences are often dismissed as simply not being worthy of serious consequences to the perpetrator, and by extension, that the concomitant feelings that accompany such experiences are not justified. This is what makes the conversation about hierarchies of abuse appear to be so dangerous to proponents of the #MeToo movement. It is not that nuances are lost on these advocates but rather that the history of sexual harassment has commonly dismissed "lesser crimes" as much ado about nothing.

Critics of the #MeToo movement claim it is too expansive; too many innocent males are caught in its wide net. My argument is to the contrary: the #MeToo movement, along with our common ideas of sexual harassment, is too narrow. The phenomenon of sexual harassment is more ubiquitous and significant than currently conceived.<sup>2</sup> I want to further problematize this movement by introducing into the public debate a more common but less recognized form of sexual harassment: non-sexualized gender-based sexual harassment (non-sexualized SH, for short). What I have in mind is a form of sexual harassment that does not easily fit into the sexual desire-dominance paradigm that is currently definitive of what constitutes sexual harassment, and what has primarily been highlighted in the #MeToo movement. Examples of non-sexualized SH include disparaging comments against pregnant colleagues aimed at undermining career advancement; criticisms of, primarily, a woman's

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<sup>1</sup> It should be noted that the distinction I use between lesser and more egregious forms of sexual harassment simplifies the difficulties of how sexual harassment is picked out and identified both by observers and victims. Fitzgerald and Ormerod point to this difficulty when they claim that "one of the most difficult problems for researchers investigating this problem has been the lack of agreement concerning what behaviors actually constitute harassment, and the circumstances under which they are seen to do so" (Fitzgerald and Ormerod 1991, 282). Contextual variables, such as a previously consensual relationship, are seen as influencing perceptions "when the behavior in question is less explicitly coercive" (*Ibid.*). Complicating the matter even more are women who report having experienced clearly harassing behaviors such as touching, fondling, and propositions, with only a small fraction reporting that they believe they have been sexually harassed (Bailey and Richards 1985; Fitzgerald and Shullman 1985; Fitzgerald, Shullman et. al. 1988).

<sup>2</sup> There is a parallel between arguments against the #MeToo movement as too expansive, and thus dangerous for some men and claims that political correctness has gone too far. In the case of the latter, the contention is that some people – mostly privileged white males – are unfairly targeted, and thus have to be careful in spaces they once dominated because of a PC culture run amok. In both cases, the arguments appear to be that people in positions of privilege are being imposed upon and caused discomfort in spaces they once dominated because of concerns that their behavior might be called out. Current criticisms of the #MeToo movement are thus analogous to criticisms of political correctness.

ability to balance the demands of her work/personal life in a way that seeks to undermine her career and/or has that effect; being treated as a subordinate and/or incompetent in ways that align with traditional gender roles, etc. In each of these cases, a person is targeted *because of her sex* and the gender, sexist expectations that go with it. But for the victim's sex, there would not have been any sexually harassing behaviour with which to contend.

The argument I propose is two-pronged; first, it involves expanding the definition of sexual harassment to include what Vicki Schultz calls “the most common and debilitating form of harassment faced by women (and many men) at work each day” (1998, 1686). To date, sexual harassment is narrowly defined as behaviours that easily fit into a quid pro quo harassment paradigm that typically manifests as male-to-female sexual advances most often by a male supervisor on a less powerful female subordinate. However, sexual harassment should also include behaviours that are *not sexual in design*. In the Supreme Court case, *Oncale v. Sundowner Offshore Services*, about same-sex sexual harassment and assault, “harassing conduct need not be motivated by sexual desire to support an inference of discrimination on the basis of sex” (*Oncale* 1998, 75, 77).<sup>3</sup> Yet, there is a general failure to perceive non-sexualized SH as a legitimate form of sexual harassment in popular parlance, in the way sexual harassment is conceived of theoretically, and in the legal context where non-sexual harassment “because of sex” is not thought to be sufficiently severe or pervasive (Schultz 1998).<sup>4</sup> The #MeToo movement makes possible a kind of conceptual reengineering of sexual harassment as more inclusive of a range of behaviours that naturally fall under this nomenclature. It also has the potential to expose the hostile environment many women, and men, encounter – filled with fear and emotional victimization. Failure to broaden the definition of sexual harassment – in theory, and practice – risks repeating the history of how we came to the current definition and perpetuating the “sexualization of sexual harassment” (Wilson 2015, 12).<sup>5</sup>

The second part of my argument challenges narrow conceptions of sexual harassment where non-sexualized varieties are not considered *sexual* harassment at all. I maintain that both kinds of sexual harassment – the non-sexualized and quid pro quo forms – spring from the same underlying psychological state and should thus be treated as real instances of sexual harassment. Both are part of the same continuum and the result of sexist, gendered, and often times misogynistic attitudes. I argue that non-sexualized SH underpins the kinds of behaviours that are definitive of quid pro quo sexual harassment and currently the focus of the #MeToo movement. If we wish to end the most egregious forms of sexual harassment, then we must work toward exposing and addressing non-sexualized SH. Allowing gender-based harassment to go unchecked makes it more likely

<sup>3</sup> Justice Antonin Scalia writing the majority opinion in *Oncale* (1998) claims that while the court's explicit holdings in this case show that discrimination because of sex counts as sexual harassment, this is not how sexual harassment is commonly thought of in practice or theory. Indeed, the #MeToo movement highlights the common understanding of sexual harassment as a range of behaviors, all of which are tinged with offensive *sexual* connotations. Behaviors that fall under non-sexualized SH, like those mentioned above, are typically treated as workplace bullying or a colleague who is simply a jerk.

<sup>4</sup> Schultz notes that because most non-sexualized SH is disaggregated from overt sexual overtures, “nonsexual forms of harassment may appear to be gender-neutral hazing that has nothing to do with the victims' womanhood” (1998, 1690). In this sense, many forms of non-sexualized SH are dismissed as bullying behaviors that have nothing to do with sex, making it both harder for victims to reach a severe and pervasive standard and providing little recourse to ameliorate their situation.

<sup>5</sup> Wilson (2015) uses this turn of phrase in describing the law courts view in *Barnes v. Costle* where sexual harassment meant propositioning sexual behaviors in return for job security. This seminal case established the quid pro quo paradigm.

that severe forms of sexual harassment will continue to occur unabated. I also maintain that conceiving of sexual harassment in broader terms has the added advantage of taking seriously same-sex non-sexualized forms of sexual harassment, which is commonly relegated to instances of bullying and/or women who are simply nasty or difficult toward others. Naming and identifying the totality of the problem has to be the first step in addressing it, and the #MeToo movement is ripe for this kind of conceptual expansion.

This paper mostly, if not exclusively, concerns itself with the work environment, where sexual harassment is codified in laws, statutes, and work guidance aimed at reducing its incidence. This is also the arena where sexual harassment is defined conceptually and practically, both of which affect the vernacular understanding of this phenomenon. The workplace, unlike other spheres of life, offers women a legal framework to challenge the patterns and practices of sexual harassment, thus making it possible to address the hostility women, and some men, commonly face. It also makes it possible to anchor an understanding of this phenomenon within a framework that takes into account the totality of women's experiences in the workforce.

## 2. A BRIEF HISTORY OF HOW WE GOT HERE

For much of human history, the phenomena picked out by the term "sexual harassment" were taken to be part of the natural order of things. Reva Seigel, in her compendium on the history of sexual harassment, writes that in antebellum America, the law courts viewed unwanted sexual advances by men in positions of power on mostly female domestic servants as in fact wanted, given the "overwhelming assumption that women latently desired whatever was sexually done to them" (2003, 4). By the middle of the nineteenth century, the courts surmised that sexual harassment was a private matter occasioned by a woman's refusal to succumb to a supervisor's sexual advances. Given this view, the courts reasoned that "sexual harassment was natural and inevitable and nothing the law could reasonably expect to eradicate from work" (*Ibid.* 10).<sup>6</sup> Thus, the "discovery" of sexual harassment during the women's movement in the late 1960s and early 1970s was a significant step in identifying a range of behaviours as problematic and the need to redress the conditions endured by mostly women. As is often the case in social justice movements, naming the injustice was tied to a political struggle that happened, as Schutlz recounts, "in the context of litigation designed to achieve reform" (1998, 1696). But reform was only possible with certain concessions and compromises legal feminists made to get the courts to at least identify and address the most severe forms of sexual harassment while ignoring more mild non-sexualized forms of sexual harassment. The history of how we came upon the current concept of sexual harassment is one that is linked to political, legal and practical constraints faced by the feminist movement, and the resulting tradeoffs made to achieve as much reform as possible. Today, we stand at a crossroads where we

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<sup>6</sup> See *Miller v. Bank of America*, where the court dismissed a female bank worker's complaint that she was fired because she refused her male supervisor's sexual advances. The court claimed that "the attraction of males to females and females to males is a natural sex phenomenon and it is probable that this attraction plays at least a subtle part in most personnel decisions. Such being the case, it would seem wise for the courts to refrain from delving into these matters" (*Miller* 418, 236). The decision is inherently problematic; it not only implies that women in the workplace must accede to sexual overtures because attraction is something the other sex cannot help and the law courts cannot regulate, but worse, the court's conflation of sexual attraction with sexual harassment. For more on this see Rosemarie Tong, *Women, Sex, and the Law*.

have the option to either perpetuate a narrow view of sexual harassment or to expand the definition to include all forms of this behaviour. By expanding the view, and going to the root of the problem, we have the possibility of addressing not only the most egregious forms of sexual harassment but also its more common counterpart.

As the women's movement gained momentum in the 1960s and 1970s, there were two camps of thought on how sexual harassment should be defined. On the one hand, there were the early radical feminists who conceived of heterosexual relations as the central mechanism to women's oppression. In their view, the institution of heterosexuality, imbued with sexual desire and domination, was causally linked to male superiority and female subordination. Catherine MacKinnon, a leading feminist legal scholar, wrote in 1979 that "women historically have been required to exchange sexual services for material survival, in one form or another. Prostitution and marriage, as well as sexual harassment in different ways, institutionalize this arrangement" (1979, 174–175). This view is connected to that of earlier feminists who also believed that the "political economy of heterosexuality" – things like restrictions on women's labour market participation and the depression of their wages – created an economic dependency between men and women, making the latter almost entirely dependent, economically, on the former.<sup>7</sup> This power imbalance in the home and at work laid the groundwork for sexual exploitation of various kinds, reifying women's position in society as intrinsically different from that of men, and thus economically controllable.

Not surprisingly, early radical feminists, according to Ellen Willis's history of this movement, "assumed that the primary institutions of women's oppression – which they identified as marriage and the family, prostitution, and heterosexuality – were entirely defined by sexism, that their sole purpose was to perpetuate the 'sex-role system'" (1984, 102). Given this focus on the sexual exploitation of women within the home and at work, these early feminists, advocates, and theorists who directed their attention toward the sexually harassing treatment women faced within the workforce, conceived of sexual harassment in *sexual* terms, specifically as sexual advances.<sup>8</sup> Early pioneers like Catherine MacKinnon, Lin Farley, Dierdre Silverman (an early founder of the Working Women United), and others, sought to define the parameters of sexual harassment and devise remedies for this behaviour (Hoffman 1986, 106). Their task was not only to define this phenomenon but to convince the courts that it is a form of sex discrimination. Some of the early definitions of sexual harassment that came out of this movement included MacKinnon's, who stated that "sexual harassment, most broadly defined, refers to the unwanted imposition of sexual requirements in the context of a relationship of unequal power" (MacKinnon 1979, 1). Likewise, Farley defined these behaviours as the "unsolicited nonreciprocal male behaviour that asserts a woman's sex role over her function as a worker" (1978, 33). And finally, Silverman conceived of sexual harassment as "the treatment of women workers as sexual objects" (1976–77, 15). Sexual harassment, in the view of these feminists, was a top-down form of sexual exploitation that was fundamentally the eroticizing of male power aimed at women.

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<sup>7</sup> For more on this history, see Seigal (2003).

<sup>8</sup> It should be noted that radical feminists of the time were not ideologically homogenous. Within this heading, there were three different groups, all of whom had various notions of how to rectify male domination, specifically within heterosexual relationships. According to Willis, one branch of radical feminists called The Feminists, believed "that any special interest in or desire for genital sex, heterosexual or otherwise, was a function of sexism" (1984, 103). The Redstockings, another radical feminist group, believed otherwise and rejected "sexual separatism as a political strategy [and] that simply refusing to be with men was impractical and unappealing for most women, and in itself did nothing to challenge male power" (*Ibid.*, 104).

Apart from these early radical feminists, another group of feminist activists were articulating a view of sexual harassment that had the potential to be broader in scope than the sexual desire paradigm that inevitably won the debate. Central to this broader view was the work of Carroll Brodsky who defined sexual harassment as behaviour that “involves repeated and persistent attempts ... to torment, wear down, frustrate, or get a reaction from another. It is the treatment that persistently provokes, pressures, frightens, intimidates, or otherwise discomforts another person” (1976, 2). In Brodsky’s view, sexual harassment occurred not only vertically, from the supervisor-subordinate relationship, but also laterally, between co-equal workers and including from the bottom-up.<sup>9</sup> Rather than conceive of the phenomenon in strictly sexual terms, Brodsky viewed sexual harassment as a competition for privilege, which could move in any direction and was inherently intended to achieve “exclusion and protection of privilege in situations where there are no formal mechanisms available” (1976, 4).

The kinds of cases that early feminists brought forward to challenge the court’s analysis that sexual harassment was not sex discrimination were clear-cut cases of sexual harassment, as conceived of by the radical arm of the feminist movement. They included, as Shultz recounts, “top-down, supervisor-subordinate, male-female sexual extortion” (Schultz 1998, 1701). Given the constraints at the time to embed the legal analysis of sexual harassment within the existing body of law on racial discrimination, sexual harassment cases needed to show clear-cut instances of discrimination on the basis of sex, which would have been extraordinarily difficult if the cases brought to the courts were based on supervisors screaming at subordinates.

This brief history of how we came to our current understanding of sexual harassment shows that the sexualization of sexual harassment arose from pragmatic decisions rather than an inherent understanding of this phenomenon. The struggle to define the concept of sexual harassment happened “in the context of litigation designed to achieve reform” (Shultz 1998, 1683). Prior to this point, sexual harassment was taken for granted as part of the natural order of things and its “discovery” constitutes a significant step in addressing the kinds of oppression women have historically faced in the labour markets. The history of how this concept came to be shows the political, legal and practical constraints faced by the feminist movement in how they tackled the problem. It also shows the manner in which the concept of sexual harassment has been subsequently broadened to include the educational and social environment; as I go on to argue, it must be further expanded to include a broader range of behaviours whose persistent existence constitutes real and debilitating effects on victims. The #MeToo movement is well-positioned for this kind of conceptual expansion of sexual harassment, and to thus give voice to the many that suffer silently from continued harassment because of their sex.

### 3. LINKING NON-SEXUALIZED SH WITH QUID PRO QUO SEXUAL HARASSMENT

There is a hurdle in the conceptual expansion of sexual harassment: for some, quid pro quo sexual harassment is *sui generis* and should be treated as a different phenomenon from non-sexualized SH. This differences argument posits that gendered and quid pro quo harassment are expressions of distinct psychological phenomena, rendering both different types of events. I propose the sameness argument: the idea that both kinds of

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<sup>9</sup> I base my analysis of Brodsky’s work on Schultz’s analysis.

sexual harassment should be treated as being part of a continuum. On this view, both non-sexualized and quid pro quo harassment are symptoms of the same underlying perceptions, and should thereby be treated as similar types of events. The pragmatic case for expanding the view of sexual harassment to include non-sexualized varieties is to legitimize the experiences of victims as real instances of sexual harassment, which carries with it both legal and moral weight. But my argument is not merely limited to pragmatic concerns. There is also a theoretical case to be made that both kinds of harassment are the result of gendered, misogynistic attitudes; if we wish to end the most egregious forms of sexual harassment, then addressing non-sexualized harassment is central to that goal. To only consider eradicating quid pro quo forms of sexual harassment, while doing nothing about non-sexualized forms, leaves in place the very conditions that expose women, and some men, to abuse. In short, if we do not take care of the root of the problem from which both forms of harassment spring, then it is unlikely we will ever diminish what the #MeToo movement has laid bare: the ubiquity of quid pro quo sexual harassment. Creating separate categories for gender-based and quid pro quo harassment makes it that much harder to confront and alter the conditions in which many find themselves.

In a law review article on the differences between gender and sexualized harassment, Frank S. Ravitch argues that the underlying psychological phenomenon that underpins both kinds of harassment is sufficiently distinct that both should be treated differently (1995). He claims that “since the line between gender and sexual harassment is not a precise one, it is easiest to consider gender harassment as a manifestation of misogyny/gender stereotyping and sexual harassment as arising from a dynamic which may or may not reflect misogyny, but which is always charged with sexuality” (*Ibid*, 14). In other words, non-sexualized SH is founded upon gendered stereotypes, particularly of women, and thus constitutes something entirely different from quid pro quo forms of harassment that necessitate “explicit sexual demands or advances” (*Ibid*, 871–72). Like other forms of discriminatory behaviour, non-sexualized SH creates a hostile work environment because the victim is discriminated due to her sex. Much like racial discrimination, which is the result of racial stereotypes and perceptions of particular races, non-sexualized SH is the result of sex/gender role stereotypes and perceptions of women. In this framework, non-sexualized SH is not sexual harassment, *at all*, but more akin to racial discrimination.

Unlike gender-based harassment, quid pro quo sexual harassment is founded upon a different psychological phenomenon: sexual desire and attraction. Since this central element of sexual harassment is missing from gender-based forms of harassment, both of these phenomena are essentially distinct according to the differences argument. Quid pro quo sexual harassment is imbued with sexuality while non-sexualized SH is not. This position extends well outside the confines of legal jurisprudence into the sociological domain, e.g., where James E. Gruber has claimed that “only those [remarks] that are sexually based are *technically* instances of sexual harassment” (1992, 458).<sup>10</sup> The perception that gender-based harassment is distinct from sexualized sexual harassment has also found a place in the courts where the former kind of sexual harassment is treated as different in nature from the latter, a consequence of the quid pro quo paradigm discussed above.<sup>11</sup> The result has not been kind to victims of non-sexualized SH who have found it

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<sup>10</sup> For other similar views, see L. Fitzgerald and M. Hesson-McGinnis 1989; A. C. Levy 1990.

<sup>11</sup> See, e.g., *Freitag v. Ayers* (463, 2006) where the court said that in order to establish a hostile work environment, “a plaintiff must prove that... she was subject to verbal or physical conduct of a sexual nature” (*Ibid*, 849).

hard to obtain redress and have their claims taken seriously as occurrences that would not have happened but for the person's sex.<sup>12</sup>

I want to further explore the idea that both forms of sexual harassment spring from different psychological states to show that in fact, it is the same underlying state that produces both. Ravitch claims that sexual harassment is based "on the harasser's sexual needs and perceptions, the interpersonal relationship between the victim and the harasser as perceived by the harasser, sex role stereotypes and power roles, in addition to the immutable trait of the victim's sex" (1995, 857–58). Central to this conception of sexual harassment is the sexual/romantic interest of the harasser; this infusion of sexuality is based on "needs, stereotypes, and perceptions of a different nature than those involved in other forms of harassment" (*Ibid.* 853). While sex role stereotypes and power roles are also underlying conditions that lead to non-sexualized SH, for Ravitch this alone is not sufficient to account for quid pro quo sexual harassment. The further ingredient needed to reach sexual harassment is interest of a sexual kind, which is precisely what is missing in instances of gender-based SH. As such, both kinds of harassment should be treated differently legally and practically.

Let us consider the notion that sexual interest, needs, and sexuality are what make quid pro quo sexual harassment *sui generis* from other forms of harassment. The idea is that sex-role stereotypes and gendered, misogynistic views are not enough to lead to classical forms of quid pro quo sexual harassment. Without sexuality, there would be no *sexual* harassment. And, since both types of events arise from very different psychological states, it is proper to treat them differently wherever they occur. This analysis puts the horse before the cart: sexual interest, need and sexuality, alone, are not sufficient to bring about instances of quid pro quo sexual harassment. Consider how many individuals in the workplace (and outside of it) are sexually interested in one another, and from the perspective of the interested party, sexual needs and distinct perceptions about the other arise. And yet, *ceteris paribus*, this interest alone does not lead to quid pro quo sexual harassment. In order to act on those interests in a way that constitutes classical forms of sexual harassment, the individual has to have a further set of beliefs that stereotype the other according to sexist, gender role expectations. In other words, the person who is the subject of interest is perceived in stereotypical terms that include sexist and/or misogynistic attitudes that deprive the person of her individuality. And it is these sexist, misogynist and gendered attitudes that tend to create the perception on the part of the harasser that he, e.g., is in a position of power relative to the victim. These combined perceptions by the harasser of the victim (and how he views himself) allow him to exploit the other in explicitly sexual terms. It is also the case that having these sexist, gendered, and possibly misogynistic attitudes are what leads to gender-based harassment that torments, frustrates, provokes and wears down the victim. The necessary ingredient for all forms of sexual harassment are perceptions that arise from a set of attitudes that pervade the harasser's view of the victim and thus allow him, e.g., to engage in behaviours that span the gamut from hostility to a person because of her sex all the way to vulgar, overtly sexual conduct.

There is a strong case to be made that sexual harassment should include the full spectrum of behaviours that would not have happened but for a person's sex. To do this

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<sup>12</sup> It should be noted that the differences argument assumes the sexual desire-dominance paradigm discussed in Part I of this paper, where sexual harassment is seen in terms of sexuality and sexual desire. Absent these psychological states, there is no context by which to analyze non-sexualized SH.



not only aligns with the analysis above – that both are the result of the same psychological states and thus the same kind of event – but it has the added advantage of eliminating the heterosexuality that is assumed in the sexual desire-dominance paradigm. A more unrestricted concept of sexual harassment makes it possible that same-sex sexual harassment can be taken seriously and included in the broader conversation. Cases like these include what Emily Wilson calls “Queen Bee” harassment that “often involves more abstract or intangible behaviour, such as undermining the target’s competency, spreading rumours about the target or making it harder for the target to complete her work” (2015, 17). Wilson further explains that these behaviours have a less formal appearance but have all the hallmarks of acts directed at excluding women who, e.g., may not be invited to formal events where critical information is shared or are not mentored in such a way that makes them less effective at their jobs (*Ibid.* 22). Rather than portraying this kind of harassment as it usually is – difficult women, personality differences, and/or jealousy – broadening the scope of sexual harassment would give women who experience these debilitating events a framework from which to name their experiences and, importantly, a way to address them either legally or practically.

#### 4. MOVING FORWARD: BEYOND THE QUID PRO QUO SEXUAL HARASSMENT PARADIGM

There is no doubt that perceptions of women, and men, lead to behaviours that reflect those views. In terms of sexual harassment, when the most egregious forms of sexual exploitation occur, it is almost always the case that “lesser” kinds of non-sexualized sexual harassment have already occurred. It is either rampant in an office setting that has allowed a culture of sexism to prevail or in a society where such views are the norm. But these “lesser” forms of sexual harassment are damaging and set the stage for the kinds of behaviours called out by the #MeToo movement. Indeed, we get to the worst behaviours in a society that allows for and perpetuates gendered, sexist views of women and men. If we are to combat and eliminate the behaviours adherents of the #MeToo movement have focused on, then we must also include non-sexualized sexual harassment as part of the #MeToo movement.

It is in this context that sexual exploitation, most often of women by men, becomes normalized and an accepted part of our social structure. The #MeToo movement has done a lot to expose the degree to which women are subject to these kinds of abusive behaviours and the need to expose them in order to end them. However, we are currently at a crossroads in the sexual harassment debate that serves various purposes: educating the public about what constitutes sexual harassment, about its prevalence and most importantly, expanding the scope of what falls under the sexual harassment rubric. Currently, depending on what studies one looks at and how the study’s questions are asked, anywhere from 20-60% of people do not know what constitutes sexual harassment or when a moment crosses the line from acceptable to non-acceptable behaviour (Fitzgerald and Ormerod 1991). This is not merely a reflection of people’s ignorance as to what sexual harassment is but rather emblematic of the term’s ambiguity outside of the most egregious cases. The aim of the #MeToo movement should be to expose the totality of hostility women, and some men, face in the workforce and elsewhere. To do this, it is incumbent upon adherents of the #MeToo movement to use the term in its broadest form and include non-sexualized sexual harassment as part of the

fear and bullying that women and some men face because of their sex. It is only when we have done this that the full extent of sexual harassment can be fully understood.

There are several end goals served by exposing non-sexualized sexual harassment that goes beyond mere exposure. First, much like the ubiquity of quid pro quo sexual harassment, non-sexualized sexual harassment is equally as prevalent and debilitating to those who endure this kind of treatment (Schultz 2006, 119). The end goal of gender-based sexual harassment, as with quid pro quo harassment, is to upend or impede a person's career, and/or pursuit of other goals. To the extent that this kind of behaviour is unnamed and not called out, it will continue to be prevalent and abusers will continue their abuse with impunity. But just as importantly, allowing this kind of abuse to prevail in any setting allows for its normalization and makes the more egregious kinds of quid pro quo harassment likely to occur. In short, allowing a culture of sexism to thrive is a precursor to quid pro quo sexual harassment. If we wish to combat the latter and put an end to it, then we must also tackle and put an end to the former. Allowing non-sexualized SH to thrive makes it more likely that worse kinds of behaviours will occur. More to the point, putting an end to gendered harassment and the attitudes that prevail about women and men is likely to curtail the more serious kinds of sexual harassment that we would all like to see end. To the degree that the #MeToo movement has not included non-sexualized SH as part of the broader conversation, it has failed to completely expose the rampant abuse that most often burdens specifiable groups of people: women.

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## DODATNO PROBLEMATIZOVANJE #METOO POKRETA

*Kritičari #MeToo pokreta tvrde da je pokret otišao predaleko, te da nije napravljeno dovoljno hijerarhija zlostavljanja s kojima bi se razlikovale najgore vrste ponašanja, što uključuje ponašanja koja su problematična, ali ne i kriminalna. Argument je da #MeToo pokret ima preširoki raspon. U ovom radu, autorka tvrdi suprotno, tj. da #MeToo pokret nije otišao dovoljno daleko u razotkrivanju ukupnosti zlostavljanja koje žene, i neki muškarci, dnevno proživljavaju. Ostavljen izvan paradigme seksualnog zlostavljanja je problem rodno-uslovljenog seksualnog zlostavljanja koje nije uslovljeno seksualnošću nego se događa zbog pola uznemiravane osobe. Autorka razvija dve povezane tvrdnje. Prvo, istorija razumevanja seksualnog uznemiravanja pokazuje seksualizaciju seksualnog uznemiravanja koja se dogodila zbog političkih, zakonskih i praktičnih razloga. Ništa nas ne uslovljava da zadržimo trenutno mišljenje. Drugo, autorka se protivi mišljenju da je seksualno uznemiravanje sui generis od rodno-uslovljenog uznemiravanja. Umesto toga, autorka smatra da i jedan i drugi oblik uznemiravanja proizilaze iz psiholoških stanja i deo su zajedničkoga kontinuuma. Autorka zaključuje da povezivanje prevladavanja guid pro quo oblika uznemiravanja na rodno-uslovljeno uznemiravanje pokazuje da ako ne izložimo i pokušamo zaustaviti kasnije, nije izgledno da ćemo zaustaviti prvi oblik uznemiravanja. #MeToo pokret treba, dakle, preuzeti širu definiciju fenomena seksualnog uznemiravanja.*

Ključne reči: *#MeToo pokret, seksualno uznemiravanje, feminizam, seksualna diskriminacija, rod.*