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Book Review: What is Sexual Harassment?: From Capitol Hill to the Sorbonne

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What is Sexual Harassment?: From Capitol Hill to the Sorbonne. Abigail C. Saguy. 2003. University of California Press: Berkeley. 235 pages. Index and appendix are included. Paperback \$19.95 / Hardback \$50.00.

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As I sit down to write this review, the U.S. is only several days into its most recent political sex scandal. Arnold Schwarzenegger, a controversial contender (and now governor-elect) in the California re-call election, was exposed as a "sexual harasser" when the Los Angeles Times broke the story that he has a history of "groping women." Schwarzenegger responded immediately with the confession that he had "behaved badly" followed with the explanation that some of these indiscretions occurred on "rowdy movie sets." It is too soon to tell whether the public will define these accusations as "sexual assault," "sexual harassment," or simply "men behaving badly," but this incident undoubtedly forces us, once again, to face the question, "What is sexual harassment?" Abigail C. Saguy's recent book, of the same name, provides an excellent comparative framework for untangling this complicated question.

As a cultural sociologist, who has lived and studied in both the US and France, Saguy is particularly adept at examining sexual harassment as a social construction. She not only asserts that many layers of cultural context shape the definition of harassment but also carefully empirically demonstrates how this happens. Her book is based on a comparative case study of definitions of sexual harassment in the United States and in France. She draws upon content analysis of legal texts and press coverage regarding sexual harassment in France and the U.S. as well as in-depth interviews with French and American feminist activists, public figures, lawyers, human resource personnel, and union activists. She uncovers the taken-for-granted assumptions underlying each country's definition of sexual harassment by comparing and contrasting national legal definitions of harassment, the climate towards sexual harassment in courtrooms and in corporations in each country, and the way that sexual harassment is covered by the French and U.S. press. While Saguy demonstrates that national frameworks regarding sexual harassment in France and the U.S. powerfully shape definitions of the nature of the problem in each country, she also explores how an individual's social position and institutional context (as a lawyer, activist, public figure, manager, or union representative) impacts how sexual harassment is defined.

Chapters 1 and 3 are based on extensive content analysis of the law and the press, respectively. These chapters paint very clear pictures of the differences between U.S. and French understandings of sexual harassment. Chapter 1, entitled *Sexual Harassment Law on the Books: Opportunity Loss v. Violence*, provides a very good overview of the history of sexual harassment law in the U.S. and France. We learn that in the United States, sexual harassment has been framed as anti-discrimination law, largely based on Title VII of the 1964 Civil Rights Act. Saguy reviews the involvement of feminist activists, judges, and lawyers as early as 1975 and summarizes key court cases since then which have established the foundation for sexual harassment as sex-based *employment* discrimination. She notes that sexual harassment in the U.S. is linked to employer

liability so that victims have the right to sue companies for monetary damages. In France, on the other hand, sexual harassment was first defined in the early 1990s by state feminists who introduced the law in Parliament, not the courts. Although originally proposed under "Discriminations" in the penal code, lawmakers ultimately moved the sexual harassment law to the category, "Sexual Violence," making it akin to, but distinct from rape or sexual battery. The sexual harasser, not the employer, is charged in criminal court, and receives jail time or state fines with the possibility of only small compensatory damages to the victim. As her book was going to press, France passed a law that now addresses sexual harassment among co-workers. Originally, the law reflected a traditional French focus on abuse of authority and "hostile environment" harassment was not addressed. Although this change might indicate that French law and US law are converging, Saguy points out (in a cleverly titled epilogue: *Plus ça change, plus c'est la meme chose*) that French law still frames sexual harassment as a form of interpersonal violence, not sex-based discrimination and fails to enforce employer liability.

In Chapter 3, Saguy reports the patterns she observes after analyzing 631 articles on sexual harassment covered in 6 major U.S. and French newspapers and news magazines from 1975 to 2000. In terms of sheer volume, the U.S. published 496 stories to France's 185. She argues that this is partially explained by the longer history of sexual harassment law in the U.S., but also reflects the degree to which the U.S. emphasizes sexual harassment and France downplays it. The peaks in reporting over the years demonstrate that the media in both countries follow political sex scandals, not important legal cases. Both the U.S. and French press covered a majority of articles which focused on U.S. political scandals including the Clarence Thomas/ Anita Hill hearings, allegations against Senator Bob Packwood, the Tailhook Association case, and Paula Jones' accusation against President Bill Clinton. French coverage of U.S. scandals were likely to frame them as about morality and "greedy plaintiffs trying to get rich in lawsuits" (75). For example, when covering the Thomas Clarence hearings, 50% of the French articles framed the story as about morality while only 12% of the U.S. articles did so. Thirty-three percent of the French articles framed the story as one of economic greed versus 3% of U.S. articles (even though Anita Hill didn't sue for damages or stand to benefit monetarily from the hearings). When the French press does focus on sexual harassment within its own borders, it is more likely to frame the issue as an abuse of power, a social problem and a women's issue. In this chapter, Saguy raises interesting questions about the relationship between the media and the law and the degree to which media frames reflect, challenge, or strengthen national legal frames of sexual harassment.

Chapters 2 and 4 move away from content analysis towards the use of in-depth interviews with 20 lawyers, 12 feminist activists from two organizations, and 6 public figures (with equal numbers of U.S. and French respondents in each category). These chapters also rely on interviews with 16 human resource managers, personnel, and union representatives in French and American branches of two multinational companies: Americo and Frenchco. In Chapter 2, Saguy relies on these interviews to explore "the legal and corporate environment of sexual harassment" (16). She concludes that in both contexts, sexual harassment is taken more seriously in the U.S. Social actors in corporations act quickly on complaints of sexual harassment because of fear of lawsuits, even if the media and workers in human resources tend to inflate these risks. Among lawyers, sexual harassment law is seen as a legitimate field where monetary rewards are

considered fair compensation for victims. In contrast, corporate actors in France did not see sexual harassment as an important issue. In fact, some indicated that the definition of sexual harassment as a penal offense, requiring jail time or state fines, was too severe. Many of the French branches of large multinational corporations Saguy contacted did not include sexual harassment in their internal regulations even though it is required by labor law. In the courts, sexual harassment also lacks legitimacy among judges and among lawyers who receive few rewards and little status for taking these cases. In general, the French interviewees disagreed with the idea that one could receive money for "moral suffering" (66) and believed that a concern with sexual harassment reflected elements of American Puritanism, litigiousness, and feminist excesses. Given these distinctive differences in France and the U.S., Saguy concludes that "the country of operation, rather than the nationality of the multinational, has the most influence on attitudes and behavior regarding sexual harassment." (64)

In Chapter 4, Saguy attempts to explore how the various groups she interviewed define sexual harassment. She engages her interviewees in a discussion of 11 vignettes--hypothetical situations involving people of different organizational statuses, personal relationships, genders, sexual orientations, etc. Saguy concludes that, in general, the French respondents are less likely to see vignettes dealing with a hostile work environment, consensual sexual relationships, or non-sexual forms of gender harassment as sexual harassment than were the U.S. respondents. Yet, Saguy notes that individuals deviated from the national legal frames in a number of ways depending on their social position. The American feminist activists were likely to use the discrimination frame to argue that scenarios that did not fit the letter of U.S. sexual harassment law were actually examples of sex discrimination in employment. The French feminist activists extended the definition of sexual harassment as interpersonal violence with a specific focus on "violence against women." And the American human resources personnel defined sexual harassment through a business frame that identified sexual harassment as the enemy of professionalism and efficiency in the workplace. This chapter includes interesting interviews with well-known U.S and French activists and intellectuals such as Catharine MacKinnon, Camile Paglia, Phyllis Schlafly, Elisabeth Badinter, Marie-Victoire Louis, and Françoise Giroud. It is rare for sociologists to be able to name their respondents and even rarer for them to gain access to powerful public figures. My only criticism of the chapter is that the use of vignettes seems to counter Saguy's overarching argument that cultural context matters. While national legal frames and one's institutional position are important, the local norms surrounding everyday interaction are also an integral part of how certain behaviors are labeled (or not labeled) sexual harassment. The difficulty that some respondents seem to have defining certain hypothetical vignettes as harassment or not, may stem less from their inability to fit certain behaviors into a national legal lens of harassment (sex discrimination vs. interpersonal violence) and more from the inability to define harassment outside of the context of local norms.

Saguy's book is a well-researched and very important contribution to the literature on sexual harassment. The comparative national framework and the focus on individuals in different institutional positions provide rich empirical evidence that sexual harassment is an ongoing political struggle at multiple societal and cultural levels. I highly recommend [What is Sexual Harassment?](#) for use in graduate or advanced undergraduate courses in gender, culture, or the sociology of the law and for anyone

interested in understanding how definitions of sexual harassment will always depend on the national, institutional, and temporal contexts in which it occurs.