

Introduction: Enter at Your Own Risk

In March 1975, a group of feminist activists in Ithaca, New York coined the term “sexual harassment” to name something they had all experienced but rarely discussed – unwanted sexual demands, comments, looks, or sexual touching in the workplace. The experience they wanted to spotlight was one that women in this country had faced since colonial times. Seventeenth-century indentured servants, eighteenth-century black slaves, nineteenth-century factory workers, and twentieth-century office workers all shared the experience of having fended off the sexual demands of those wielding economic power over their lives – masters, overseers, foremen, and supervisors.¹

Women responded to workplace sexual coercion in a myriad of ways, often submitting, but also resisting. Some escaped the situation, others tried using official channels to stop the abuse or seek relief from its effects, and yet others joined together to protest sexual coercion by their employers. Escape was the only option for many female slaves, who had little power to resist their owner's sexual advances, no legal recourse, and no home outside their owner's reach. In her 1861 autobiography, *Incidents in the Life of a Slave Girl*, Harriet Jacobs described her escape from a master who “began to whisper foul words in [her] ear” when she was fifteen.² Domestic servants who could afford to do so escaped the sexual abuse of employers by leaving their jobs. In 1874, Louisa May Alcott published an account of how at the age of eighteen she had left a job as a domestic servant because her employer assigned her backbreaking work after she refused his sexual advances.³

Women sometimes turned to governmental authorities for help. Although colonial courts heard charges against masters for “violating” female servants, making “forcible attempts” on their chastity, and exhibiting “lewd behavior,” victims rarely gained relief.⁴ In cases when a servant ended up pregnant, courts sometimes required masters to pay a fine or give security to maintain the child.⁵ However, indentured servants did not have easy access to the judicial system, and their direct dependence on those who assaulted them often dissuaded them from taking action. When former slaves registered charges of sexual abuse by

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white men with the Freeman's Bureau, an agency set up after emancipation to assist blacks, they seldom obtained relief.⁶ Sometimes, women sued their employers for assault or for monetary damages when they became pregnant.⁷ In 1908, a young immigrant woman sued her employer, a saloon-keeper, because he "abused her shamefully and then turned her out when he found that she was to become the mother of his illegitimate child," but she lost her case.⁸

Women also resisted sexual coercion in the workplace collectively. In Chicago, at the turn of the century, Grace Abbot formed immigrant protective organizations with a primary goal of protecting immigrant girls from lecherous employers.⁹ Later, tradeswomen formed groups to fight sexual abuse in the workplace. In 1914, a group of women in the needle trades formed the Young Ladies Educational Society to support each other in resisting the sexual advances of their employers.¹⁰ A major goal of the Working Women's Society, a forerunner of the Women's Trade Union League, was to protect working women from unwanted sexual advances by supervisors.¹¹ Sexual abuse of workers sometimes became an issue that sent unions out on strike. One of the issues in a 1937 strike at the Chevrolet-Flint Plant in Michigan was sexual abuse, after a large number of female workers had to go to the county hospital to be treated for venereal disease traced to a single foreman. A worker recalled, "Those were the conditions that young women had to accept in order to support their families. Sometimes they earned just enough to provide food for the family and they couldn't lose their jobs because nobody else in the family had a job."¹²

Despite their resistance, women often were blamed for sexual abuse because of their presence in the workplace, which was thought to provoke uncontrollable male lust or to reflect women's promiscuous nature. The nineteenth-century white middle-class ideal of "true womanhood" required women to guard their purity and deny knowledge of sexuality. To admit a sexual incident blemished a woman's character, which silenced many. Women were traditionally classified as respectable or not respectable, and for a woman to enter the workplace was to forfeit respect.¹³ Working women were often characterized as enticing their employers and later becoming prostitutes. If the sexual abuse of female workers was acknowledged at all, it was considered a moral issue, and concern focused on the moral degradation of the women targeted. During industrialization, when women began entering mills and factories in large numbers, sexual behavior in the workplace was framed as a social problem – one of vice, not economic coercion. Concern for the moral conditions of women's employment led to official investigations by the federal government in 1887 and again in 1911. A 1911 Bureau of Labor Statistics study of the relation between occupations and the criminality of women warned, "Wherever the sexes work indiscriminately together great laxity obtains."¹⁴

Beginning in the nineteenth century, however, female social reformers shifted the terms of the debate by characterizing working women as victimized by male lust and seduction rather than being promiscuous seducers themselves.

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Although they identified the problem to be male sexual aggression and violence, their solutions often restricted women socially and economically by rigidly enforcing sex-segregated workplaces and strong cultural taboos against sexual mixing. Reformers fought for protective labor legislation to shield women from workplace sexual abuse. They expressed concern for the “physical and moral safety” of women in the workplace. Unions, protective associations, and settlement house organizations were at the forefront of the drive for protective legislation for women workers. Reformers believed that limiting women’s hours, banning night work, and prohibiting women from certain occupations would help to shield women from sexual abuse.¹⁵ But these social reformers still characterized the problem of sexual coercion in the workplace primarily as one of moral degeneration, not economic abuse.

During the second wave of the women’s movements in the 1970s, a grassroots movement against sexual harassment emerged, which framed workplace sexual abuse in new ways. For those with backgrounds in the rape crisis movement, sexual coercion in the workplace was an issue of violence against women. For others, sexual harassment was a form of sex discrimination in employment and a violation of women’s civil rights. This book charts the evolution of sexual harassment from a private indignity women suffered silently to an issue of public concern and debate. This transformation occurred as a result of women speaking out – a few women took legal action, others began talking about their experiences with each other – and then women collectively began to recognize sexual harassment as a widespread and systemic problem. This gathering chorus of women’s protests soon began to resound in the larger society.

The movement against sexual harassment emerged from multiple feminisms – the grassroots activism of diverse groups of women – and the resulting public policy reflected this diverse participation. The activists’ experiences of harassment and strategies to combat it were fundamentally shaped by their gender, race, and class identities. African-American women brought most of the precedent-setting lawsuits. They filed employment discrimination complaints with equal employment offices in the early 1970s, turning to civil rights organizations for assistance. The early sexual harassment plaintiffs were the first to conceptualize sexual harassment as sex discrimination under Title VII of the Civil Rights Act, thus fundamentally shaping the movement against sexual harassment by grounding it in Title VII sex discrimination law.

White middle-class feminists also made significant contributions to the movement against sexual harassment and were similarly shaped by their identities and backgrounds. Two of the first organizations to work on sexual harassment, Working Women United in Ithaca, New York, and Alliance Against Sexual Coercion in Cambridge, Massachusetts, were founded by white middle-class women with experience in the women’s movement. These women used feminist theory to analyze sexual coercion in the workplace and used the tools and resources of the women’s movement to raise awareness of the problem through speak-outs, surveys, newsletters, and the media. Feminist attorneys litigated most

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of the early sexual harassment cases and actively participated in developing public policy on sexual harassment. By the end of the 1980s, a wide range of mainstream feminist organizations were working on the issue.

The third important group to shape the movement against sexual harassment was working-class women in nontraditional and blue-collar occupations, who advocated for broadening the definition of sexual harassment to include hostile environment harassment. In the late 1970s, a diverse array of women began to break into traditionally male fields like construction and coal mining. In unions and on the job, women experienced male hostility to their presence in these nontraditional work settings. Male supervisors and co-workers subjected them to sexual abuse and even physical violence in order to push them out of the workplace. The women used the resources of their unions and employee associations to raise awareness about sexual harassment and develop strategies to combat it. They also urged courts and policymakers to broaden their definitions of sexual harassment to include not just sexual demands by a supervisor of a subordinate employee, but hostile environment harassment, both sexual and nonsexual, not only just from supervisors but from co-workers as well. Blue-collar women brought several precedent-setting lawsuits, and they participated in and influenced organizations that fought sexual harassment, including Working Women United Institute and Alliance Against Sexual Coercion.

Finally, women working in female-dominated “pink-collar” occupations and working-class “white-collar” jobs were involved at every stage of the movement against sexual harassment, filing lawsuits, raising public awareness of the issue, and fighting for better treatment in the workplace. Flight attendants, clerical workers, and other women in female-dominated occupations, who had organized against sex discrimination in the workplace since the mid-1960s, turned to the issue of sexual exploitation of women in the workplace in the early 1970s. Through groups like Stewardesses for Women's Rights and the National Association of Working Women, these women fought for the need to be treated as professionals rather than sex objects.

Through the use of social movement theory, this book seeks to understand how the movement against sexual harassment emerged and thrived in the 1970s and 1980s. Social movements are usually defined as a mixture of informal networks and formal organizations outside of conventional politics that make clear demands for fundamental social, political, or economic change and utilize unconventional or protest tactics. Social movements function at multiple levels: the microlevel of individual activists and their interactions, the meso level of groups and institutions and their interactions, and the macrolevel, where these individuals, groups, and institutions function as a coherent whole to create societal change. Activism against sexual harassment emerged from an array of grassroots locations around the country, including from individual women filing lawsuits to the formation of organizations to combat harassment, ultimately converging at the national level in the 1980s. The movement against sexual harassment was not only rooted in the civil rights and women's movements, but was also influenced by the student movements of the 1960s, the

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sexual revolution, the gay and lesbian rights movement, and the labor movement. This movement resulted from formal and informal resources mobilized from these other movements, including most importantly, the civil rights legal framework and the women's movement's network of rape crisis centers and feminist attorneys. The movement took advantage of the political opportunities available at the time – progressive judicial appointees of presidents Kennedy and Johnson and the legacy of the Warren Court's advancement of individual rights, as well as the government agencies developed to advance equal employment opportunity and human rights in the wake of the civil rights movement. Finally, activists against sexual harassment developed a shared understanding of the issue that legitimated and motivated collective action. They tapped into the tension between women's increasing need to enter the workplace (and stay there) and many men's tendency to view women through the lens of sexuality. They also tapped into the tension between the emerging feminist demand that women should be able to control their bodies, particularly their sexuality, and women's experience of sexual coercion in the workplace.¹⁶ This book seeks to understand the movement against sexual harassment by analyzing the relationship between the movement's internal dynamics and its external context – how the political and social context shaped the movement's collective identity, its forms of collective action, and the meanings and structures it created to effect social change.¹⁷ In order to understand this complex mix of factors that creates a social movement, this study draws on many stories of grassroots activists and “acts by individuals and small groups in everyday life as part of a struggle for social change.”¹⁸ It also emphasizes how intersections of race, class, and gender shaped the movement. Finally, this book seeks to understand how the movement effected both policy change and cultural change over time.

This story of the early movement against sexual harassment challenges the standard conceptualization of the feminist movement as primarily white and middle-class. This whitewashed version of the movement has obscured much of the complexity of the second wave of the women's movements. Recent scholarship has explored this complexity, such as the work of Maria Bevacqua on rape, Premilla Nadasen on welfare rights, Dennis Deslippe and Dorothy Sue Cobble on working-class women, Winifred Breines on the relation of white and black women in the women's liberation movement, and the works of Kimberly Springer, Benita Roth, and Nancy MacLean on Black and Chicana feminisms.¹⁹ This scholarship reveals that the second wave of the women's movements was a diverse movement, and there were a number of issues that drew diverse women into collaborative activism. Sexual harassment was an important issue to women because it affected so many, so often, across race and class lines, and was rooted in fundamental concerns about economic survival and basic personal integrity. Not surprisingly, the fight against sexual harassment brought women together across differences to fight a common problem. This book demonstrates how the movement against sexual harassment arose from multiple locations, from diverse political communities, and how structural and

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political intersectionality shaped women's experiences of sexual harassment and their responses to it. It tells about the connections and cleavages from these multiple locations, and how these efforts dovetailed to create public policy on sexual harassment in the United States. The differences among women actually strengthened the movement by mobilizing a wider population into the movement, by enabling the movement to draw on a diverse array of strategies and resources, and by providing "multiple faces to outsiders."²⁰ This book is part of a broader turn among scholars toward focusing on the grassroots of the women's movements in the late twentieth-century United States.²¹ Rather than focusing on the stars of the movement, this literature is discovering the grassroots of the movement and the ways that women found common cause across difference to create feminist change. Finally, this literature challenges the declension narrative of the second wave, as much of this diverse grassroots activism, including activism against sexual harassment, was just beginning in the mid-1970s.²²

This book traces the shift from the early movement against sexual harassment, which sought radical social change to transform racist, patriarchal, capitalist systems, to later individualistic and legalistic approaches to the issue. A similar movement occurred in media coverage of the issue. Early media coverage of sexual harassment was heavily shaped by feminist activists and reflected feminist perspectives on the issue. By the early 1980s, the discussion of sexual harassment in the media and elsewhere came to be bounded by a narrow legal framework shaped by lawyers, government bureaucrats, and employee management personnel. The issue that feminists hoped would lead to fundamental societal transformation had in many ways become primarily an issue of legal liability and risk management. The movement against sexual harassment succeeded in many ways, not just in changing laws, but in raising awareness and creating institutional and organizational frameworks for dealing with sexual harassment. Most employers and schools have policies against sexual harassment, governments keep statistics on it, studies of sexual harassment continue to be conducted by governments, academics, and activists, and lawsuits continue to be filed. However, rates of sexual harassment are still high, and the fight continues. My hope is that a look at the past will help inform the future.

Part I of the book explains how activists in the early and mid-1970s first articulated the issue of sexual harassment. Two strands of activism – litigation and collective organization to raise awareness of sexual coercion in the workplace – came together to convince courts to rule that sexual harassment in the workplace and in schools was sex discrimination. Part II recounts the growth of the movement against sexual harassment in the late 1970s, including the increasing participation of women working in nontraditional and blue-collar occupations, the development of feminist theory on sexual harassment, and the influence of feminists on media coverage of sexual harassment. Part III explains the movement's influence on public policy, the backlash against public policy in the early 1980s, the first Supreme Court decision on sexual harassment in 1986, and the subsequent developments in sexual harassment policy and activism. The

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conclusion assesses the history of the movement against sexual harassment. Through an analysis of organizational archives, interviews, media coverage, court cases, and government documents, this book explores the complex ways in which a diverse group of activists around the country transformed conduct that for centuries had been a private problem into a public issue.

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PART I

RAISING THE ISSUE OF SEXUAL
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I

**Articulating the Wrong: Resistance to Sexual Harassment
in the Early 1970s**

Resistance to sexual harassment emerged in the form of several lawsuits filed around the country, under Title VII of the Civil Rights Act of 1964. Sexual harassment litigation was a battleground on which traditional notions that women belonged in the private sphere and entered the public sphere at their own risk struggled with feminist notions that women were entitled to participate fully in the public sphere. Since the founding of the United States, the law enforced male dominance and female subordination by excluding women from the public sphere of the marketplace and government and refusing to intervene in disputes arising in the domestic sphere. Women could not vote, serve on juries, or testify in court. Under the legal doctrine of coverture, inherited from English common law, a woman's legal identity merged into her husband's upon marriage. Married women could not control their property, sue or be sued, or enter into a contract in their own names, and a woman's husband controlled any wages she earned. The doctrine of marital unity also gave men control over their wives' bodies so the state rarely interfered in ongoing family relationships, even in cases of battery and rape.¹

By custom, as well, women were largely excluded from public life. In the early nineteenth century, the social ethic of domesticity shaped the lives of white middle-class women, excluding them from participation in the workplace. The ideology of domesticity distinguished between home – the locus of tranquility, rest, and familial love associated with women – and the public life of business and politics associated with men.² This ideology, however, often did not reflect the lives of poor women and women of color, who had no choice but to work outside of their homes. Many women, as domestic servants in particular, straddled the line between the public and the private spheres.³ The influence of this ideology of domesticity on the law, however, powerfully shaped all women's lives by limiting women's participation in the public sphere and denying legal relief for harms arising in the private sphere.

Courts in the United States consistently used the public/private ideology when adjudicating legal cases brought by women. Courts upheld laws

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excluding women from the public sphere, including protective labor laws that limited women's participation in the workplace and laws that allowed women to be excluded from armed combat, refused credit, excluded from trade unions and professional associations, and denied public accommodations and membership in business clubs.⁴ Courts often refused to adjudicate cases involving violence or coercion in intimate relationships or cases involving sexual behavior, which was associated with the private sphere. In the early 1970s, when women began to bring sexual harassment cases before federal courts, they encountered the ongoing legacy of the public/private ideology in courts' refusal to grant relief.

However, social mores were changing, and activists built upon these changes to convince courts, and the public, to take women's concerns seriously. Over the course of the twentieth century, American society saw a decline of Victorian ideas about men's sexual aggressiveness being natural and unchanging. By the 1960s, the sexual revolution led to increasing openness about sexuality in the culture at large.⁵ This enabled women to question the inevitability of men's sexual behavior in the workplace and to begin to articulate opposition to this behavior. Another change that contributed to the rise of a movement against sexual harassment was a decline in the notion of men's entitlement to a family wage and women's entitlement to economic support from men, a change that strengthened women's claim to full participation in the workplace.⁶ This movement also resulted from an increasing reliance on the state and law to solve problems. The civil rights movement had successfully challenged school segregation in *Brown v. Board of Education*, and the women's movement had challenged sex discriminatory laws and obstacles to birth control using the Bill of Rights. Following this legacy, activists against sexual harassment turned to the law and the courts to challenge sexual coercion in the workplace.

The movement against sexual harassment emerged out of the social movements that were challenging the status quo in the early 1960s, including the civil rights movement, the new left and antiwar movements, the labor movement, and the women's movements. In the 1960s and 1970s, dramatic social, political, and legal changes transformed women's lives in the United States. The publication of Betty Friedan's *The Feminine Mystique* in 1963 raised the problem of middle-class women's lack of fulfilling roles and responsibilities in American society, galvanizing women across the country to demand expanded roles. Middle-class women were much more likely to find themselves in the workforce as these decades progressed, particularly before marriage and after divorce, as the average age of first marriage rose and the divorce rate doubled between the early 1960s and the mid-1970s.⁷ Women were having fewer children and were more able to control when they had their children because of FDA approval of the Pill in 1960, for the first time giving women a highly effective method of pregnancy prevention that they controlled, and the Supreme Court's legalization of abortion in 1973. Women's increasing control over their reproductive lives freed them to engage more fully in the workplace. As a result, women's participation in the civilian labor force jumped from 37.7% in 1960 to over