



IF NOT FOR BOTH, WHAT IS JUSTICE?

Katherine Young¹



ABSTRACT

This reply to “If Not Now, When? Acknowledging Sexual Harassment and Identity Harassment” by Paul Nathanson (in this volume) argues that it is important not to trivialize several types of sexual harassment if we want both women and men to address the pervasive misogyny on this topic and improve sexual harassment policies.

Keywords: sexual harassment, gender studies, misogyny, male studies

¹ **Editor’s Note:** Katherine Young has collaborated with Paul Nathanson on four volumes on misogyny, with two additional volumes forthcoming. This article is Dr. Young’s response to an essay by Dr. Nathanson also published in this issue of the *Journal*.

Paul Nathanson's article *If Not Now, When?*, in this issue of the *Journal*, draws from our joint research and analysis that can be found in our four co-authored works,² which include discussions of misandry, ideological feminism, problems men face, silencing of men in the public square, lack of professional help for men, distortion of statistics, witch hunts, dualism (victims and victimizers), generalizations about a pervasive "rape culture," patriarchal privilege, conspiracy theories of history, social constructionism and so forth. As a result, I am in agreement with much of what is being said in this article and appreciate this new case study focused on Weinstein and the general discussion of sexual harassment. I have commented on the draft several times and some of my concerns have been addressed. But others – serious ones in my estimation – remain. For the record, since our names are so closely connected on these matters, I would like to point out several differences based on my "reading" of this article.

My major concern is the fact that the article takes only rape and violence seriously: "I do not argue," Nathanson says, "that anyone should ignore the discomfort of course behaviors, which would be aberrations in any legitimate code of sexual etiquette. I do argue, however, that we must distinguish between violent crimes such as rape and non-violent ones such as lewdness, joking, sexting, groping, or flashing" (Nathanson, p. 43). Elsewhere, he comments that sight of someone fondling genitals may be unpleasant but hardly life shattering. Even if someone physically fondles another person's genitals, this too is but unpleasant. Trivialization of such sexual actions occurs throughout the article. Victims of people like Weinstein, we are told, "inhabit a world that assumes the enforcement of rules in the form of excessively elaborate and punitive codes of sexual or political 'correctness'" (Nathanson, p. 35), although Nathanson does concede that men who grope are not nice men.

I suspect that not just many women but most parents – mothers and fathers – and other men too would say that fondling genitals, groping, flashing and sexting do not belong in the same category as a lewd remark or a joke. Such actions should not be dismissed as merely unpleasant or a difference in the nature of male sexuality or explained away as adolescent

² *Spreading Misandry* (2006), *Legalizing Misandry* (2006), *Sanctifying Misandry* (2011) and *Replacing Misandry* (2015) all published by McGill-Queens University Press.

behavior. They also should not be dismissed because some women have no problem with this kind of behavior, because some women enjoy reading about these behaviors in *Fifty Shades of Grey* or because these behaviors can be exploited to support the idea of women as victims.

Unusual sexual behavior, especially when it involves unwanted physical contact by another person, sends a signal that the person's sexuality is out of bounds. I suspect that most women experience this as a warning that the behavior may escalate to other forms of intimidation and even rape, which is why some experience fear or trauma. Even if the behavior does not escalate, should it be dismissed as just *unpleasant*? What about sexual acts with minors or being locked in a car or room as unwanted fondling of genitals or groping other body parts occurs? And what about drugging a person as prelude to these sexual acts (a topic not addressed in this article but one that has been in the news this year)? Are words such as shocked, horrified, traumatic and sickening appropriate only to describe rape as the article supposes?

We are then told that adult victims, like all adults, are responsible for their own behavior. The article suggests that if a woman wears provocative clothing, she cannot be a victim, because she has invited a sexual response in men whose sexuality is just different (visual stimulation) in kind or degree. "Clothing, or lack of it, is not only a matter of self-expression," we are told. "It is also a symbolic language that reaches beyond any individual to the community and therefore imposes the need to dress in ways that respect other people. This is definitely not to say that the clothing of women can justify rape (which would make no sense in any case, of a phenomenon that is by definition coercive). It is to say that women are responsible for their own behavior, including the double messages that they sometimes send through clothing." (Nathanson, p. 34)

The implication is that women who wear provocative or minimal clothing – which is not defined aside from topless bathing suits on the beach – are themselves responsible if they are fondled or molested. Men's "indecent exposure" is then equated with women's breast feeding in public: "But if we are going to ban men from 'indecent exposure,' for instance, then we should ban women from doing the same thing; they got on well enough for centuries without breast-feeding on the streets or going topless on public beaches" (Nathanson, p. 41). There are several problems here. First, laws do ban people – both men and women – from indecent exposure of genitals. Second, mothers rarely, if at all, flaunt their breasts while breast feeding to sexually

attract a man. Third, the comparison of breast-feeding in public with the provocative act of exposure of genitals seems to me far-fetched. “In short, his examples of bare breasts on the beach, breast feeding in public and provocative clothing are red herrings and hardly negotiating points for a new sexual code to deal with workplace harassment.”

I am also concerned about double-talk. In endnote 3, we are told: “virtually nothing applies to all men or all women – not even the configuration of sex chromosomes.” But later in the article we are told: “Straight men will *always* try to seduce physically attractive women ... This does not mean raping them, although it can sometimes amount to harassing them” (emphasis added) (Nathanson, p. 44). The statement “men and women, especially those who work together every day, will *always* flirt with each other ...” (emphasis added) (Nathanson, p. 12) is an even more general statement. It implies that people don’t have other relationships that are primary in their lives or that office etiquette isn’t observed by most. Surely, arguing that seduction and flirtation are universal in the workplace is a case of stacking the cards. Moreover, Nathanson’s general statements that straight men will *always* try to seduce beautiful women and *always* *flirt* in the workplace suggest that the problem is more than provocative clothing; it is the very nature of being an attractive woman or working together with men. But surely, Nathanson is not advocating a return to veils and segregation.

Another example of double-talk is this. After suggesting that discussion of sexual behaviors such as groping is best left to a new code of sexual etiquette, we are also told that “We can hardly have men (including gay men) ‘taking liberties’ with abandon, for instance, and consequently agree that we can hardly afford to dismantle the laws on sexual relations.” (Nathanson, p. 40) But if these acts are indeed trivial and should be addressed only by etiquette, as we have been led to believe, why now this support for laws? And why the acknowledgment that *quid pro quo* should be addressed: “The primary message that women have been sending with these sexual-harassment allegations is, of course, about far more than repeated episodes that they find unpleasant. It is about intimidation in the workplace. I see nothing trivial about that. The ‘*quid pro quo*’ system amounts to an implicit or explicit bargain.” (Nathanson, p. 11) Because many of these “scandals” have taken place in the workplace and women have reported that they did not “come forward” for fear of reprisal, then surely *quid pro quo* should have been an important topic in this article. In any case, there is an underlying problem; if acts such as

groping of genitals are really trivial, why is there a problem with a bargain? Why would one bother to report trivial matters? Are the acts trivial or are they serious? If serious, should they not be addressed by good sexual harassment procedures?

This takes me to the next topic: how best to address the “believe me” comments found in the media reports about alleged sexual harassment in Fall 2017. When reporting on the accusations against Charlie Rose, Nathanson points out that “The allegations were hardly the stuff of horror movies; among his worst alleged offenses were unwanted caressing and lewd jokes” (Nathanson, p. 13). Moreover, “both women [Norah O-Donnell and Gayle King], made the moral (and political) decision to believe the women instead of the man ... She [King] and O’Donnell protected themselves (and CBS) by saying what viewers clearly wanted to hear” (Nathanson, p. 13).

I don’t think the matter is so simple. True, these were comments from Rose’s co-hosts on *This Morning*, but they relied on the reports of investigative journalists as did other cases in the media eye. Investigative journalism is one profession that knows the importance of accountability to the facts – multiple sources, no collaboration, plausible details, ideally but not necessarily disclosure of identity if there are collaborating reports and so forth. This profession also knows the individual and organizational dangers of false reporting. To undermine the accountability of journalists, the integrity of women who reported their experience and the intelligence of those who came to the conclusion that they “believed” the women by characterizing all this as ideology appears to me misguided.

There is the danger of dismissing the stories of all these women as “fake news.” Like law itself, investigative journalism does not always lead to justice. There are false accusations, which is why there must be important checks and balances in a democratic system. And this is why one can always sue false accusers and why there needs to be good sexual harassment procedures to gather evidence and adjudicate accusations, which may be lodged by either men or women and must be fair to both. For these reasons, I would rather not characterize acceptance of claims of sexual harassment in the news as a simple case of belief replacing due process. (And in the case of an impending election I think it important that citizens have all the facts about the behavior of a candidate at their disposal to make a decision).

At the same time, we need to take a stand against the immediate and severe “sentencing” (firing) by the companies involved. Well-designed sexual harassment procedures (admittedly, some are unfair and need improvement) often lead to nuanced analyses, negotiated settlements and correction of behaviors, not immediate, arbitrary and extreme penalties. Why, then, should such procedures be ignored by a company’s executives unless they are more worried about their image and branding than justice to all their employees? And why should political parties use pressure to force resignations in order to have the moral high road, even though that means unfairly sacrificing one of their own? Surely expediency is not a moral high road.

Because there is a wider movement called “believe the woman”/ “#me too,” which is being used to mobilize women against men, we must be vigilant to hold investigative journalists and their companies accountable to professional standards. We must also be wary of double standards and exploitation of cases on social media or political marches with people brandishing misandric (or misogynistic) slogans for political ends. But because these acts are protected by free speech, there has to be another way forward.

I think we should take the problems of both women and men seriously and avoid extreme positions that mobilize resentment and increase polarization. The case to improve the situation for men is beginning to be grounded in good facts, moral arguments, political lobbying, legal clout and social services. The progress may seem too slow for many, but my wager is that it will grow. To grow means, however, that both men and women who are willing to think about these difficult matters must sense that the way forward includes both of them not in a treaty — a new social contract — after the “war” but as ethical and policy adjustments each step of the way.

AUTHOR PROFILE



Katherine Young is Katherine Young is Professor Emeritus in the School of Religious Studies at McGill University (Montreal, Canada). After doing her Ph.D. thesis on South Indian Hinduism, she developed an interest in women and religion, contributing introductions or chapters to sixteen books and publishing thirty encyclopedia articles from comparative and historical perspectives. Concerned about the increasingly negative portrayal of men in feminist literature, popular culture, the media and law, she has collaborated over several decades with Dr. Paul Nathanson to document this social change, analyze why it has occurred and think of ways to address it. Through their four books, they have brought the word “misandry” from extremely rare use to common vocabulary. Drawing together insights from research on both women and men, Young has written the overview article “Gender and Sex” for the three volume *Vocabulary for the Study of Religion* (Brill 2015). Today she lives in Victoria, British Columbia, with husband Tom and Charlie, the doodle-dog. At the computer most days, she is finishing several books.

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