

# WILEY

American Bar Foundation

---

The Paradox of Complaining: Law, Humor, and Harassment in the Everyday Work World

Author(s): Beth A. Quinn

Source: *Law & Social Inquiry*, Vol. 25, No. 4 (Autumn, 2000), pp. 1151-1185

Published by: Wiley on behalf of the American Bar Foundation

Stable URL: <http://www.jstor.org/stable/829127>

Accessed: 11-12-2017 20:05 UTC

---

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://about.jstor.org/terms>



JSTOR

*American Bar Foundation, Wiley* are collaborating with JSTOR to digitize, preserve and extend access to *Law & Social Inquiry*

# The Paradox of Complaining: Law, Humor, and Harassment in the Everyday Work World

Beth A. Quinn

*This article addresses the question of women's seeming rejection of sexual harassment law by refusing to apply the label "sexual harassment" in the face of incidents that would easily qualify as such. Building on the work of Bumiller (1988) and the tradition of sociolegal studies focusing on understanding the power of the law in its everyday context (e.g., Merry 1979; Engel 1987; Sarat and Kearns 1993), this analysis explores the "tactical milieu" in which both hostile work environment sexual harassment and tactics for its resistance are produced. Using in-depth interviews with both women and men, the author explores the ways a particular form of hostile work environment harassment—dubbed "chain yanking"—poaches on the realm of ambiguous humor to effect male group solidarity and women's disempowerment. A common countertactic—"not taking it personal"—is analyzed for its simultaneous power as resistance and unwitting collaboration. The contradictory effects of this tactic-countertactic pairing on the naming and claiming of the harm of sexual harassment are examined, as well as the implications this has for combating sexual harassment in the workplace.*

---

**Beth A. Quinn** is assistant professor of Justice Studies in the Department of Sociology and Anthropology, Montana State University–Bozeman. The author would like to thank the many people instrumental in the development of this analysis; from the University of California Irvine, Kitty Calavita, Lisa Jones, Nancy Naples, and Susan Will; from Montana State University, Simon Dixon, Dan Flory, Susan Kollin, and Leslie Crismond; and the anonymous reviewers who provided fresh eyes and valuable suggestions.

© 2000 American Bar Foundation.  
0897-6546/00/2504-1151\$01.00

1151

## I. SEXUAL HARASSMENT AND THE TACTICAL MILIEU

I believe there really is sexual harassment. . . . But I also think women abuse it. [pause] Because back there [in my department] they, they comment all the time, you know, about my breasts, or whatever. But I know that they're doing it in the context of a joke, and like I say, it rolls off my back. . . . If I thought they really meant it, then maybe it would bother me.

—Peggy

Peggy is friendly, hardworking, and funny. In her mid-40s, she is divorced, has taken a few college classes, and works a blue-collar job that pays fairly well. She is a fairly average woman. Peggy, however, poses a problem. She is regularly subjected to sexual harassment by her coworkers, but she refuses to label any of their behavior “sexual harassment.” Her rejection of the label is not so much out of ignorance of sexual harassment law and her company’s policies; she understands the official definitions. It is also not because their actions fail to injure; despite her claim that “it rolls off [her] back,” relating these stories brings her to tears during our interview. Instead, as I will argue in the present analysis, for women like Peggy, sexual harassment as a nameable harm too easily disappears in the gap between the abstract and the concrete. She understands the concept of sexual harassment and how the law may be evoked to effect its amelioration, but she seems unable, or at least hesitant, to use it to construct the meaning of *her* everyday experiences. I suggest, as have Ewick and Silbey, that it is in this gap, and the contradictions of everyday life that sustain it, where “power and privilege are preserved through what appears to be the irreconcilability of the particular and the general” (1998, 231).

This article addresses the question raised by Peggy; that is, with the knowledge of the remedy of sexual harassment law, why would a woman refuse to define incidents of sexual harassment in her life as such? Embedded in this deceptively simple question is the larger issue of law and process in the everyday. Peggy’s account directs us to the question of under what circumstances, and through what processes, might the law fail as either an instrument (to pursue claims of harm) or a source of meaning (a way in which one can interpret our interactions and construct identities) or both. It is this more general question that informs the present analysis. The route taken is somewhat indirect, spurred by Sarat and Kearns’ challenge to proceed “with eyes not on law, but on events or practices that seem on the face of things, removed from law, or at least not dominated by law from the

outset” (Sarat and Kearns 1993, 55).<sup>1</sup> Indeed, I have found a strategic decentering of both the law and the concept of sexual harassment to be the most fruitful avenue for approaching the topic of women’s rejection of sexual harassment law. In this reframing, I attempt to stand where Peggy stands, at the place where the law and the concept of sexual harassment can seem at times—if not completely void—at least remote and failing in promise.

Using in-depth interviews with both women and men, the meaning of the interconnectedness (or lack thereof) of the law and everyday life is produced by “attending to particular practices and concrete, historically situated examples of law and social relations (Sarat and Kearns 1993, 11). To do so, I explore the “tactical milieu” (de Certeau 1984) of everyday workplaces to build an understanding of the social context and processes of both sexual harassment and resistance to it, the promise of the law and its failure. What emerges from this analysis is also a picture of contradiction where “resistance at one level may catch people up at other levels” (Abu-Lughod 1990, 52). It is in these contradictions of everyday tactics that we may begin simultaneously to understand women’s resistance to using sexual harassment law as an instrument of power as well as the production of the harassment itself. Shifting the focus of inquiry to the everyday allows a view of the processes by which power relations are (re)produced and the law’s place—or absence—in them.

### A. Complaint-making

The problem of sexual harassment gained popular recognition in the early 1990s with the televised coverage of the Supreme Court confirmation hearings of Clarence Thomas.<sup>2</sup> It has remained in the public eye—perhaps because of “presidential example”—and in the research agenda of many social scientists and journalists. Indeed, the *prevalence* of sexual harassment is a fairly well-studied phenomena; a scan of any scholarly or popular database yields literally hundreds of citations from fields as diverse as pharmacy and law enforcement.<sup>3</sup> Depending upon whether one asks about lifetime

---

1. The move to decenter the law is a technique also chosen by sociolegal scholars such as Joan Vincent, Carole Smart, and Sally Falk Moore since “the lives of most people, and particularly of most women . . . are far more widely affected by administrative law and more mundane, everyday regulations . . . and encourages explorations in decentering” (Vincent 1994, 120).

2. The genesis of sexual harassment as a legal harm lies in developing sex discrimination case law of the 1970s and 1980s. The Equal Employment Opportunity Commission first defined both *quid pro quo* and hostile work environment sexual harassment as prohibited sex discrimination in 1980. The Supreme Court first visited the issue of sexual harassment in 1986 in *Meritor Savings Bank v. Vinson* (477 U.S. 57).

3. It seems odd that there is such a seeming need for extensive replication of prevalence studies. Perhaps due to everyday discourses of gender and power, the view of sexual harass-

experiences or provides a time frame (e.g., the last two years), researchers have found that 20-70% of American women have experienced harassing behavior in their workplace (e.g., Fitzgerald et al 1988, Gruber 1992, Paludi and Barickman 1991, U.S. Merit Systems Protection Board 1988). While the use of various methods to measure prevalence muddies the picture, sexual harassment appears almost endemic to the American workplace.<sup>4</sup>

Sexual harassment is also expensive. The Merit Services Protection Board (1988), for example, estimates that in 1986 and 1987 alone sexual harassment cost the federal government (as an employer) at least \$267 million in absenteeism, retraining, and loss of individual and group productivity. The effects of harassment are especially costly for the victim. The price comes in many forms, from job loss (e.g., Coles 1986) and lowered productivity (e.g., Bergman, and Hulin 1998, Taylor and Conrad 1992), to health effects such as sleeplessness, anxiety, depression (e.g., Dansky and Kilpatrick 1997, Gutek and Koss 1993, Koss 1990), and lowered satisfaction with one's job and one's life (Fitzgerald et al. 1998).

It is clear that sexual harassment is prevalent, expensive to employers, and costly and painful to victims. It is also a harm of which victims seldom complain, let alone invoke the laws constructed to control it (Giuffre and Williams 1994). In his meta-analysis of sexual harassment, Gruber (1989) notes that the most common way victims deal with harassment is not to complain, but rather, to avoid or dismiss it. These passive strategies run from simply ignoring the harassment to transferring or quitting one's job. Faced with harassing behavior, the least common tactic appears to be direct confrontation. This does not appear to be an unreasonable response; research has found that victims are often worse off *after* a direct complaint (Fitzgerald and Swan 1995).

Given its status as an extension of antidiscrimination law, direct complaint of harassment is crucial (Colker 1995). This is true whether we consider the instrumental power of the law ("law as tool") or its often more complex rhetorical and discursive power. In considering the former, issues of how, when, and to whom a victim would report the harassment are central, as well as the form of harassment (*quid pro quo* or hostile work environment). Since one's employer, rather than the perpetrator, is the liable

---

ment as a harm—as deviance rather than normative behavior—slips too easily out of view. Perhaps, the continual remarking of its prevalence is a necessary means of re-asserting its harm.

4. The 50% gap in prevalence is due to the different ways that prevalence has been studied. The low figures are for studies that measure incidence over a set period of time (the last year or as in the U.S. Merit Systems Protection Board studies, the last two years). The higher figures represent prevalence over the lifetime of a woman's career. In addition, there is a great deal of variation in how sexual harassment is operationalized. If one asks directly about sexual harassment, the prevalence rate will be lower; if the concept is operationalized as particular behaviors, the prevalence rates are increased. This variation in methodology has sparked leading sexual harassment researcher James Gruber to call for more standardized methods (Gruber 1990).

party, actionable claims of hostile work environment sexual harassment are premised on the notion that the employer “knew or should have known” about the harassment. If the victim fails to complain (usually to the employer if adequate policies and reporting procedures are in place), and there is no other way for the employer to know of it, the legal requirements of a sexual harassment claim may not be met.<sup>5</sup> Sexual harassment lives as a legal harm only through its voicing; in its absence, the actual psychological and economic harm to the victim is irrelevant to the law. Like so many gendered and sexually related harms, if you don’t talk about it, it hasn’t happened.

When faced with the question of why so many women refuse to name harmful behavior as sexual harassment, the nuances of the specific legal requirements are not as important as the more basic requirement that a victim must identify the behavior as harassment, recognize the availability of a legal remedy, and report her victimization to some forum in some manner. Sexual harassment is a civil complaint; the victim must come *to* and *stand before* the law—whether informally through her employer’s legally derived policies or directly to the state. The power of the law as a tool rests in the power of the victim to complain in legally sanctioned ways.

In contrast, the discursive power of the law lies not in the issue of who is liable or the legal processes through which this is determined. It speaks, rather, to everyday tactical decision making. One may name the harm in legal terms (“that is sexual harassment”), but fail to activate a formal (or even informal) complaint. Thus, while its instrumental power may be refused, the law’s *discursive* power is still evident (McCann 1991). An individual, for example, might employ the legal term as a tactical move to get someone to “back off,” but never consider a formal complaint. In this, the law may sit, as Mnookin and Kornhauser (1979) have noted, as a “shadow” in which everyday bargaining is played out.

Both of these instances of the law’s power, however, rest on the same fundamental requirement: that the harm be named in legal terms. If one fails to name the harm as sexual harassment, the law is immobilized both ideologically and instrumentally. It is this instance that informs the present analysis, the process by which the law is “stilled”—both instrumentally and rhetorically—by everyday tactical maneuvers that serve to preclude this requisite naming.

---

5. 29 CFR 1604.11(d). The Supreme Court has recently clarified employer liability for harassment by supervisors in *Burlington Industries v. Ellerth* (524 U.S. 742 [1998]), and *Faragher v. City of Boca Raton* (524 U.S. 775 [1998]). An affirmative defense is available if it can be shown that “(a) the employer exercised reasonable care to prevent and correct promptly any harassing behavior, and (b) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise” (EEOC, June 18, 1999, notice no. 915.002, *Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors*). The defense is not available when “tangible employment actions” result from the harassment.

Given this requirement of naming, the gap between the prevalence of victimization and the relatively low rate of complaint is troubling. Some have speculated that women fail to label behavior as sexual harassment because they do not know that they can (e.g., Bremer, Moore, and Bildersee 1991). The women and men I interviewed, however, were fairly well versed in the basics of sexual harassment claims. Other researchers have critiqued the implementation of sexual harassment policies within organizations to explain the discrepancy between the incidence of sexual harassment and rates of complaint (e.g., Gwartney-Gibbs and Lachs 1994). In this explanation, silence is considered the result of poor policy. Some research has shown that a strong position against sexual harassment by organizational leadership may lessen sexually harassing behaviors and increase complaint making (Lafontaine and Tredeau 1986). This begs the question, however, of why so many women maintain a *complete* silence about harassment. A poor policy might explain the lack of official complaint, but it fails to explain silence in the face of one's family and friends.

Faced with Peggy and women like her, the most fruitful issue to explore may not be why so many women refuse to complain but rather the process by which so many refuse to claim the label "sexual harassment" in the face of acknowledging, if sometimes obliquely, its harm (e.g., Conley and O'Barr 1998). While Peggy says that it "doesn't bother" her, she cries as she describes the details of what she endures.

In the language of Felstiner, Abel, and Sarat (1980-81), women not only refuse to "claim and blame," they fail to even "name" sexual harassment as a grievance. Little attention has been given to comparing women's knowledge of the legal definitions of sexual harassment to their personal judgments of what is harassing (but see Fitzgerald, Swan, and Magley 1997). These are arguably not one and the same. Many of the people I interviewed certainly lacked confidence in their understanding of the term *sexual harassment*, yet most evidenced a fairly good *abstract* comprehension. They understood, for example, that *quid pro quo* harassment is illegal, even if they didn't know the term. While they might not agree with the policy, they understood that posting pictures of naked women and engaging in overtly sexual pranks in the workplace is prohibited behavior. The refusal to name behavior as sexual harassment seems more complicated than a simple lack of knowledge of law or policy.

## B. Disputing in the Everyday World

One of the weaknesses of sexual harassment research is the way that it has been studied in isolation from other social processes, especially general processes of disputing. Even most ethnographic studies—ones that can often elegantly describe the process of sexual harassment and resistance to

it—often focus on sexual harassment to the exclusion of other workplace disputes. The unfortunate effect of this isolation is that sexual harassment as a social phenomenon and the gender relations that it reveals are often reified and essentialized (Colker 1995).

In contrast, sexual harassment may be more fruitfully conceived of as simply one type of dispute among many, and gender recognized as an identity whose salience is contextual rather than canonical (Thorne, 1993). To understand how sexual harassment works as a move of (dis)empowerment and how sexual harassment law functions (both instrumentally and symbolically) in this context may require a method whereby our attention is focused, à la de Certeau (1994), on the full tactical milieu in which the law and gender discourses circulate. As previous ethnographic studies of disputing have shown, the law is but one source of potential power, one discourse, one rhetorical move, one action of resistance among many (Merry 1979, Engel 1987), and gender functions within a milieu of multiple, variously salient social identities (Connell 1995, Crenshaw 1989, Thorne 1993). That researchers have failed to examine sexual harassment as an embedded phenomenon is surprising, yet may point to the problematic power of gender to act as an unquestioned canonical category. If a topic is presumed to be primarily about gender, the inquiry may be prematurely limited to those perceived boundaries. Ironically, in our quest to unravel the secrets of gender oppression, we may inadvertently reweave that very same cloth.

Attempting to escape this problematic isolation, I return the inquiry to the site from which the knowledge of sexual harassment was first produced: the everyday lives of both women and men. I rely on a theoretical framework that centers the production of knowledge, identities, and meaning at the site of the everyday. In this shift, the tactical milieu of the everyday workplace is centered—rather than the legal or social scientific definition of sexual harassment—for the function and power of the law may be best understood by looking to where it is not or cannot be.

In this introduction and throughout the article I refer to *tactics*. I use this term quite intentionally and in the style of de Certeau (1984). De Certeau's concept of tactic allows the explicit introduction of the element of time and helps signify the dynamic, processual nature of workplace disputes. De Certeau contrasts the notion of tactic to that of "strategies:"

[a] calculus of force-relationships which becomes possible when a subject of will and power (a proprietor, an enterprise, a city, a scientific institution) can be isolated from an "environment." (1984, xix)

The workings of the formal organization and the power of the law as an institution are both examples of strategic forms of power. In contrast, a tactic is "a calculus which cannot count on a 'proper,'" that is, a space



(actual or discursive) from which to operate (1984, xix). It depends, rather, “on time—it is always on the watch for opportunities that must be seized ‘on the wing,’” because one is “without any base where [one] could stockpile . . . winnings” (1984, xix). Thus, sexual harassment is reconceived as a set of tactics produced by individuals embedded within organizational settings but drawing more often on informal tactics than on institutional strategies. And since this tactical dance is fluid and multipartied, a corresponding set of countertactics is produced with this same milieu.

The present analysis focuses on particular forms of hostile work environment sexual harassment and the common ways people attempt to resist and defuse it. As I will illustrate, tactics intended as resistance may, in fact, function, through paradox and contradiction, to (re)produce disempowerment. Tactic and countertactic are *bricolage*, borrowing material from the existing and constrained by the resources at hand. It is the interplay of tactical maneuvering within the strategic requirements of the law that serves as the linchpin of the current analysis.

In keeping with my desire to re-embed the issue of sexual harassment in its tactical milieu, I begin by exploring the possible sources and logic of this sort of harassment. I suggest that the production of a hostile work environment is partially a result of masculine identity performance and male group formation produced through sexist and sexual humor. In particular, I examine in detail the tactics of yanking chains and insider humor as both forms of humor and as harassment. Next, the most common tactic used by women (and men) to deal with hostile work environment harassment—not taking it personal—is deciphered, and how this common tactic interacts with and ultimately *interrupts* the naming of sexual harassment are explored.

## II. THE RESEARCH PROCESS

Semistructured individual interviews with 21 women and 18 men were conducted between July 1994 and April 1995. A somewhat unique, two-phased sampling strategy was employed. In the first phase, 19 interviews were conducted with individuals recruited from a university summer school class in Southern California and an evening class in the same community. Only currently employed individuals were interviewed. The evening and summer school classes were chosen to increase the probability that students would be employed and to gain access to individuals from a diversity of job types and organizations. As the first phase of a research project seeking new ways to frame the phenomenon of sexual harassment and the workings of the law in the everyday, this diversity allowed the theoretical area of inquiry, so to speak, to be opened up. That these participants were all enrolled in college did result in a certain flattening of age and experience differences, yet it yielded a surprising diversity of occupations (e.g., sheriff's

deputy, human resources administrator-recruiter, nanny, commercial painter, musician-graphic artist.), organizational types (e.g., a family, start-up companies, established corporations), and experience levels (e.g., a part-time toy store employee, a military veteran, a 51-year-old secretary with 30 years of experience). Interviews were conducted in a variety of locations according to the wishes of the participant.

The second phase consisted of a set of organizationally bounded interviews with 20 employees of Acme Electronics (a pseudonym). Little to no research on sexual harassment has been conducted in organizations, especially examining the interplay of law within these contexts. Given evidence of the power of organizations to structure and influence both sexually harassing behavior and complaint making (e.g., Gruber 1989, Gutek and Koss 1993) and the rich theoretical insights Kanter (1977) delivered in her ground-breaking ethnography of Insko in the late 1970s, this inattention is surprising. The second phase of the current project was designed to partially remedy this omission. However, for the present analysis, the specific organizational context did not prove as salient to an understanding of the particular tactics analyzed as the gender composition of the workplace context. Given this, data from both samples are presented simultaneously.

Acme is an independent subsidiary of a large international corporation engaged in the design, manufacturing, and servicing of industrial electronic equipment. At the time of the interviews, it employed approximately 300 employees at its main headquarters in Southern California. To construct the sample, the Acme Human Resources department generated a cluster sample of employees (drawing separate samples from salaried and hourly employees). Selected employees were then invited by letter to be interviewed. Participation was voluntary and employees were allowed to do the interviews during their regular working hours. Interviews were conducted in a private office off Acme's main lobby.<sup>6</sup>

A similar interview schedule was employed in both phases of the study. The interview consisted of a series of open-ended questions prompting participants to relate stories of their workplace culture, relationships between men and women (both in the workplace and outside it), and their understandings and opinions about sexual harassment and the laws and policies that seek to regulate it. The interview began with a few demographic questions (where, for example, the participants were asked to provide their own racial-ethnic label), proceeded with general questions about the participant's job and workplace, and continued on to questions about gender

---

6. At times, when reporting quotes from particular individuals, I intentionally obscure the identity of their employing organization (whether they work for Acme or not, for example). While this muddies the waters in terms of the function of the two samples, it is necessary to protect the identity of some individuals.

relations in general. Only at the end of the interview, if it had not emerged previously, was the issue of sexual harassment named directly.

By beginning with general, nondirective questions, space is opened for the participants to define the important elements of their everyday worlds. Participants identified, through their selection of stories, details, and rhetorical devices, the salient aspects of their everyday work life, and the discursive media on which they build their understanding of it. In their telling of events, I pressed them to flesh out the particularities of their stories for it is here where their understanding of the social logic of their workplace, and the attendant identities and statuses emerge.

### III. HARASSMENT-HUMOR AND RESISTANCE IN THE TACTICAL MILIEU

I once had a horrible fight with a male friend of mine. At a dinner with a group of friends, Mike made a comment that I found insulting and I told him so. Instead of apologizing and dropping the issue as I expected, he continued to escalate the "jokes" until I was infuriated and stormed from the table. Later, when we talked about it, he exclaimed in frustration, "Well, you're a feminist! I thought you wanted to be treated the same as a man!" He didn't understand why I failed to "get it," that he was just having fun yanking my chain. I, on the other hand, had trouble understanding the fun of getting someone upset by continuing to press an insult. After I had told him I found it offensive, he still continued. While he claimed that it was "just fun," it felt like power to me. Indeed, it was both.

Given its ubiquity in everyday human relations, it is surprising that humor as a social phenomenon has drawn so little attention from social scientists. It is as if we have bought into the minimizing claim that "it's *only* a joke." Yet researchers who have taken it seriously have found that humor serves several important functions in social groupings. What is said and silenced in a joke can reveal a lot about the distribution and practice of respect, identity, and membership. We joke to say who a member of our group and who is an outsider (Fine 1987, Miller 1997, Kanter 1977). Humor can identify the rules of deference and respect while simultaneously breaching those rules by opening space for "permitted disrespect" (Radcliffe-Brown 1952). The "fool" in his absurdity acts as a nonthreatening conduit for making visible, and thus reinforcing, social norms. Similarly, laughing at fictional stories of breached sexual mores communicates their presence, and gender roles are patrolled by applying stigmatized identities through "teasing." Humor can also serve to relieve anxiety and tension as in the gross humor of medical students (Fine 1976, Smith and Kleinman 1989).

Implied in some of these uses of humor, and most important to the issue at hand, is the reinforcement and practice of power relations through

the play of gendered and sexual identities. Lyman (1987), in his case study of a failed sexist joke, suggests that such a close read of situations of humor may be a powerful source of insight into the structures and practices of power.

Jokes are not just stories, they are a theatre of domination in everyday life, and the success or failure of a joke marks the boundary within which power and aggression may be used in a relationship. (1987, 150)

The context, place, and authorship of jokes reveal the distribution and pattern of power as does the ability to trivialize or dismiss something as only a joke. In this, an analysis of who may use humor, who may not, and the appropriate contexts for these acts, can help delineate the boundaries and pathways of power.

It appears, however, that we who study sexual harassment have been so busy showing how sexual harassment is *not funny* that we have failed to take seriously the study of the meanings and practice of sexist and sexualized humor. If humor is (sometimes) about power and identity, it can act then as both a resource for and the site of production of particular gendered and sexed identities and power relations. Given this, its analysis is central to any project that aims to examine the tactical milieu of an everyday work world. The trivialization of hostile work environment sexual harassment as just a joke or in good fun infers a frame that makes it funny to *someone*. If we are to understand with more subtlety and complexity the genesis of sexually harassing behavior as well as women's responses to it, we need to know more about the processes by which this harassment humor or "power humor" is produced and the discourses, relationships, and power structures on which this humor poaches.

Interrogation of this sort of humor is a means by which we may explore how "the order of gender domination is sustained in everyday life" (Lyman 1987, 150), including the ways women and other disempowered groups are "complicit in the social practices of their silence" (Smith 1987, 170). In examining these functions of humor and the specific tactics that are their vehicles, I emphasize the context and constraints of the social logic of response. If these often function as masculinized forms of humor, what are the "appropriate" ways for women to respond? The task then is to understand what implications the social logic of these tactic-counter-tactic pairings have for making sexual harassment claims.

In the following sections, I explore two primary types of humor, yanking chains and insider humor. Neither of these forms of humor is exclusively *masculine* in nature; instances of their use in various social groupings can be documented. However, for the purposes of an analysis of hostile work environment sexual harassment, I focus on the ways male workers use

these sorts of humor as resources to build and test certain forms of masculinity and to create masculine identities, camaraderie, and group solidarity. I then interrogate one of the most prevalent tactics discussed by both women and men I interviewed: faced with harassment humor, most people, at first, try to not take it personal. When there are few avenues of escape or little ability to halt the behavior, not taking it personal is an attempt to reframe the act and resist its power. As I will show, the meaning of the tactic—its symbolic currency—is multifaceted, but all commonly operate as acts of *deflection*.

### A. Yanking Chains and the Power of Silence

Sid, an Italian-American man in his mid-forties, works in facilities maintenance at Acme. In explaining the logic of male friendship, he describes the seemingly common practice of chain yanking.

When you go and have poker with the guys, it's just the guys sitting around having a drink and playing cards. . . . You know? We just kinda pull each other's leg a little, *pull the chain a little bit* to see if we can get a rise out of the guy. Just to see if you can, ah . . . irritate him a little bit just for the hell of it.

Sid admits that this sort of teasing extends beyond the poker table for it “seems like it is the norm, to get the guy going, here at this company.” Robert, an engineer at Acme, tells of being the target of chain yanking. The outline of power emerges as he explains the effect of asking them to stop.

People have come up and flipped my ear or played childish games on me at work, and I've told them before [that I don't like it]. But these guys, that you'd, you just can't [laugh] uh, you just can't tell them anything [laugh]. They'll just keep going. Yeah. They just keep doing it just to bug you.

Yanking chains, then, is a form of entertainment that attempts, through insults couched in humor or prank, to “get a rise” out of someone, that is, to produce a socially inappropriate display of emotion. To get someone to “rise to the bait”—with its obvious display of embarrassment or anger—signals the successful yank. You have them; you have control and they don't, and therein lies the pleasure of the act.

Effectively responding to chain yanking is tricky business. To take offense—to aggrive the behavior—can backfire since to do so broadcasts one's “chains,” all those things that can get you angry or embarrassed. Lois, Kate, and Roberta—all three working in male-dominated work

environments—seem to understand this logic well. Lois, the only woman engineer at her company, explains what happens when someone is unable to maintain this emotional silence.

[There are] some guys in some of the other departments that, you know, people just love to harass because it bothers them so much. I mean they get all embarrassed and they get red and so everybody makes a big joke out of doing that. . . . They get embarrassed, so “lets do that again” [laugh]!

In her job as a sheriff's deputy, Kate has also learned the importance of this countertactic. She explains, “They can call me names or anything like that. It doesn't really bother me. So, if they know it doesn't get to me then they don't even do it.”

Silence, then, is power (Jaworski 1993). By refusing to react, one may be able to avoid being the target of repeated and often escalating jokes. While this form of power is neither direct nor especially robust (at least in this context), it nevertheless may work to bound and limit the extent of the pranks. By maintaining an emotional silence, Kate is refusing to have her chain yanked. While not exactly empowered, she is, in effect, playing the game correctly. In contrast, to *complain*—to ask them to stop—signals weakness. Indeed, asking them to stop is futile, explains Roberta, a supervisor in manufacturing. If you do anything, you have to “*make them stop.*” To *ask* is to concede their choice in the matter, and by implication, to acknowledge and confirm their power. By refusing to react and in refusing to ask, Kate and Roberta deny their victimhood and maintain at least a sense of power and control.

I offer chain yanking as the canonical form of power humor in that it functions as an oblique display of power and control disguised as good fun. Cloaked in the seemingly jovial, the target is left with the awkward question: Is it an insult or just a joke? If the former, one should protest or risk being seen as a pushover. Yet to take a joke seriously signals one's chains and potentially marks one as socially clumsy and overly sensitive. This ambiguity serves to bound the target's response, effectively short-circuiting direct complaint. It is a classic double bind since both the practice and its resistance are disempowering (Goffman 1986).

Given the logic of chain yanking, its place in the practice and performance of a certain form of masculinity seems obvious. If hegemonic masculinity is premised on the seemingly contradictory values of aggression and the ability to control one's emotions (Lyman 1987, Connell 1995), chain yanking is a prime method of both practice and performance. My friend Mike's comment about treating me “the same as a man” reveals its connection to the (re)production of masculine identity. For men, yanking chains provides a space for the expression of aggression and dominance, while

surviving having your chain yanked is an opportunity to prove one's emotional control. To ignore it or brush it off shows that one is cool as well as strong (Lyman 1987).

Directed at women, chain yanking often poaches on a rhetoric of sexism, an essentialized gender dichotomy, or a normalized aggressive sexuality. As insult, this form of chain yanking is multifaceted. Most obviously, sexist humor is built on derogatory stereotypes about women. More obliquely, through its display of sexism or sexual content, a perpetrator calls attention to the woman's gender in a workplace where it can serve to isolate her by marking her as different (e.g., see Kanter 1977).

One may, however, maintain an emotional silence without enjoining complete silence. Is there not the possibility of a retort, of using humor against humor, of "giving it back"? The definitions of what is funny or what is insult are socially constructed and embedded within existing power relations. If one who is in a disempowered position resists through humor, there is, unfortunately, the real possibility that it will not be considered funny by the audience. Humor can be a dicey game and a dangerous one for women to play. At work—especially in a male-dominated or traditionally male field—a woman's use of humor may be used to challenge her professionalism. As a sheriff's deputy, for example, Kate has firm beliefs about women engaging in chain yanking and other pranks.

[If] we as female officers want to be taken seriously we don't joke around unless we've been around for a long time. So [pause] I don't tease. It's just not in my nature. I'm pretty much serious and straight up across the board. [It's] just because I've had such a hard time . . . thinking that people weren't taking me seriously. . . . So I would never tease cause *I don't want to open up a can of worms* or anything like that.

In Kate's experience, female officers are "very professional." When the male officers at the jail where she works "give strokes" (play pranks) to both male and female officers, the women do not generally participate and they never instigate it. Kate knows that joking could open her up to the charge of being "a lippy deputy" when all she wants is to be accepted as a competent one. In her ethnography of restaurant humor, Loe (1996) found a similar pattern, noting that the sexualized joking relationship between female wait-staff and male kitchen staff and management was "asymmetrical." The women functioned as the passive audience to the men's humor rather than as active performers.

For Joy, an African-American woman who works in manufacturing at Acme, women who participate in raunchy humor on the manufacturing floor not only risk being seen as unprofessional but also they may foreclose the possibility of complaint.

This male was bitchin' about his wife. And the female's response was, "Want to come home and be with me for a while?" Now that could have been joking, but just like I walk by and heard it, somebody else could have heard it. I was thinking to myself later on, what . . . would she have done if he had said yes or tried to pursue that? Would she suddenly want to stop and put that in check and say "Heh! Wait. He's harassing me!"

These stories reveal an important asymmetry in assessing the humor of men and women. While people may be quick to excuse a man's comments and actions as only joking, a woman's jokes (especially about sexuality) may be used to explain away any aggressive action from a man who may "take her seriously." Kate's warning about opening up a can of worms is telling. As Miller (1992) notes in her analysis of the Thomas-Hill hearings, when a man uses sexist and sexual humor against a woman "he restructures the battle by reducing [her] to *the woman*. If a woman rises to the bait," Miller notes, she "accepts the already constituted power inequalities which govern the relations between men and women in our social reality" (1992, 363-64). For a woman to "enter the contest is to lose" (1992, 364).

## B. Insider Humor and the Contradictions of Identity

Humor may also be employed in the service of group solidarity and identity. It can act as a mechanism for building and reinforcing cohesion "which derives from shared experiences, particularly experiences which are seen as essentially private and localized" (Fine 1976, 138). In its most benign form, solidarity is built, for example, on a common history of word play and pithy vocabulary. Yet group boundaries may also be erected and patrolled by "humorously" degrading those who are *outside*. In this later sense, to produce a solidarity constituted as *masculine* requires reinscribing an essentialized gender dichotomy and hierarchy. To show "we are men," humor is usually premised on predatory (hetero)sexuality and the expulsion and degradation of all things female (Connell 1995, Giuffre and Williams 1994, Johnson 1988).

In-group masculine humor is not always directed against particular women. A man may be "a gentleman" and still participate in this sort of sexist and sexual humor, but never in the presence of "ladies." Morton, a white supervisor in his 50s with such a gentleman's demeanor, notes that "some guys sitting around a room someplace, and you're all guys . . . and you want to talk [crudely], that's fine." But "it's just bad taste" for men to speak that way in front of women. For Ed, a white electronics technician in his late 20s, it is the fear that women will "get upset" that keeps him from speaking as "crude and free" as he would with his male colleagues.



The introduction of women into male-only spaces, then, can interrupt the joking of these “gentlemen.” Regina, a white secretary in her 50s, echos this when she notes how men will “drop their level of language because it’s the guys,” yet in today’s “mixed group” workplace “you’ve got to use appropriate language, you’ve got to use appropriate behavior.” In these instances, then, a seeming capitulation to stated norms of antisexual harassment behavior plays more as reinscription of a particular class-based chivalry than a challenge to patriarchal power relations.<sup>7</sup>

Interestingly, to breath these boundaries of gender segregated space, language, and behavior, sexual harassment also works as a tactic of disempowerment by poaching on these same traditional notions of “ladies and gentlemen.” To speak or behave crudely in the presence of a woman often reflects more poorly on the woman than the transgressing man. The man’s behavior signifies his belief that the woman is “not a lady,” that is, one who is undeserving of a womanly sort of respect. This is evident in comments made by Jules, another gentlemanly Acme manager in his 50s, when he chastised women who “put up with it.” A lady does not put up with it and one who does is, by inference, not a lady.<sup>8</sup>

The power of sexist and sexual jokes lies not only in their function as directed insults but also as indirect slights to any woman present. The simple act of engaging in such behavior in a woman’s presence does the trick. When men use masculine-based insider humor to socially bond as workers and *as men*, women in their work groups are, by definition, outsiders—whether designated “not men,” “not ladies,” or “ladies.” Thus, whether men are rogues or gentlemen, whether they subject women to derogatory humor or *refrain from it*, both their humor and its prohibition signify that women—as women—are “not really part of the team” (Fine 1987, 142; also Kanter 1977).

This reevaluation of humor as a form of tactical power begs the question of the presence of countertactical resistance (Foucault 1980). Tactic and countertactic are interdependent to the extent that the boundaries drawn by a tactical construction help form and delimit the universe of countertactics. It is in the form of these countertactics employed by women resisting harassment humor, and the interaction with the requirements of

---

7. See Bob Connell’s work, e.g., *Masculinities*, for a particularly compelling analysis of the intersections of class and masculinity. Also, in her classic ethnography, Rosabeth Moss Kanter (1977) suggests that men are actually more likely to engage in sexual and sexist joking in the presence of women than in their absence, confirming the interpretation of this behavior as a form of boundary maintenance.

8. It is a vicious cycle that looks, unfortunately, all too similar to the stigma of rape. The consent of a “whore”—an identity attached to a woman engaging in sex with someone she supposedly should not—is presumed. A woman who claims rape is admitting that she had “sex” with someone “she shouldn’t have.” The identity of whore slips in on the question of consent, and the question is resolved through the identity of whore. See Estrich (1987) and MacKinnon.

pursuing legal *strategies* where insight into sexual harassment complaint making lies. While the interviews revealed a varied palette of countertactics, the present discussion is limited to a particularly common countertactic, the tactic of not taking it personal.

### C. Not Taking It Personal as Tactic of Resistance

In her job as a clerk, Peggy is the only woman in the shipping and receiving department. She is not very happy about this or about having to give up “dressing like a girl,” but it pays better than her previous job in retail. While she claims that she now feels like “one of the guys,” she admits that it was difficult getting used to it. Peggy tells me that “at first there was a lot of, almost tears. Because I didn’t understand [pause] how it worked, you know, . . . working with men. It was [pause] a whole different atmosphere [laugh].” When I ask her what advice she might give me if I “had to go into that,” Peggy suggests that the first thing to do is “don’t take anything personal.” She laughs and continues, “That’s the bottom line, cause if you do, you’ll be in tears all the time. The things they say that they don’t mean and if you took it personal you’d be in personnel constantly.”

The things that Peggy doesn’t take personal are crude jokes about her body and other comments that embarrass her and incidences where fellow workers have yelled at her and called her “bitch.” An Acme human resources representative tells me that Peggy “does great” in the environment because she’s “street smart,” and Peggy tries her best to live up to that expectation. My interview with Peggy, however, reveals a more complex picture; her demeanor, at first full of forced laughter, eventually dissolves into tears as she details the conditions of her work.

When in a separate interview I ask her coworker Dick, a Filipino man in his late 30s, to consider what it would be like to work his job *as a woman*, he brings up Peggy.

[I would] get teased a lot [if I were a woman]. Because, you know, Peggy, one of the girls out there, she gets teased a lot. She takes quite a bit, she takes quite a bit. [I: *About what?*] Sex. Um, a lot of that. Um, but she’s real good at [handling] that. I’m surprised that she can, you know? [She]takes a lot [of] that in back, the sexual things that we say to her, but she doesn’t hold it inside of her. It’s like a joke. [She] brushes it right off. . . . I would probably end up brushing it off [too.]

As a Filipino, Dick uses a similar strategy when dealing with racial harassment. If the harassment were serious enough, Dick would get another job (“exiting” in the disputing parlance) but in the day-to-day milieu it comes down to not taking it personal.

You know, [some people] take it personal-like. If somebody comes up to me and says, "I don't like you because you're Filipino," I say, "I don't care." I am what I am. I can't change that.

Kate also doesn't take it personal when the male sheriff's deputies engage in "stroking," or "step on her" by interfering with her dealings with "gang-bangers" and other serious offenders.

They tell me flat out, "We don't want you dealing with them because we don't want you to get hurt." Now fortunately for me the [male] deputies are pretty good to me. I don't know. Maybe because I'm pretty easy going. I don't take it so personal.

During the interview, she tells me several stories of being stepped on by male deputies, both at the jail and on patrol, and it becomes apparent that this behavior does really bother her. It compromises her authority as a deputy, ultimately making her job more difficult to do and undermining her professional identity.

To have your chain yanked is to be insulted, yet the meaning of the insult does not lie always in the face value of the comment but in the interpretation of its intent. Peggy says that if she "thought they really meant it," she could not keep working at her job. To not take it personal is to effect a reframing in an attempt to divest the insult of its power (Clair 1993). So constituted, one may maintain the emotional cool necessary to resist chain yanking and maintain relationships in the face of these power moves. While not taking it personal is a self-trivialization of behavior that appears to cause real pain and harm, it is also a passive resistance to the implied insult. Given that almost one-quarter of the people I interviewed spontaneously told stories where they chose to not take it personal, this tactic appears quite common.

What does it really mean to not take it personal? I suggest that the calculus of not taking it personal is premised on moments of *deflection*. In the first moment, the invocation of the "personal" implies a deflection away ("not taking") from the image of one's "true self." One may in fact acknowledge the joke or comment as derogatory, but in not taking it personal its veracity as descriptive of one's person, one's *true*, complex, and multifaceted self, is rejected. "You might think that of 'women,' but I am more than that. Since I am more than that, the comment is not about *me*, as an individual." It's not personal.

In its implication of the self as faceted, Iris Marion Young's motion of gender as seriality is evidenced in everyday rhetoric. While social position or "serialized existence" (Young 1994, 726) as realized through the social identity of woman constrains and disempowers, it always fails to *determine* completely the self and the totality of identity and empowerment. As

Young explains, seriality is “a condition of facticity that helps constitute a situation but in no way determines action” (1994, 730). In not taking it personal, power tactics that attempt to poach on a disempowered identity are deflected by drawing on the complexity and multiplicity of identity. Bumiller (1988, 75) notes a similar tactic in her study of people who have experienced discrimination.

The separation of the subject from the object, reason from emotion, or the real from the unreal is not a “problem” experienced by victims encountering a situation; it is a powerful mechanism for survival.

In this move of deflection, in not taking it personal, one refuses to “be a woman,” if woman is rhetorically constituted as a degraded category.

In the second moment of deflection, this tactic infers that the comments say more about the speaker than the target. Many of the women and men I interviewed explained away men’s sexist comments and sexual banter simply as an effect of “the way guys are.” Peggy is able to not take it personal because she believes this. Roberta, a supervisor in her late 30s on Acme’s manufacturing floor, agrees. She attributes most of men’s unsavory behaviors to both social conditioning and a normalized, natural masculinity:

I think guys are their own misguided idiots. So, I expect them to do certain things in certain patterns. Not because it’s good or bad or whatever, it’s just because they do that. You know, some of it is social conditioning, it’s how they grew up, but some of it’s just the way they are.

Cindy, a recruiter for a telemarketing firm in her early 20s, engages in a similar reification when she explains why the sales floor gets so “raunchy” at times.

The guys will talk. And it’s just, that’s just how it is. I mean they’ll sit there and they’ll scratch themselves, and they’ll, you know, whatever! That’s just how they are. I mean I’ve accepted it, that’s just how guys are. Let them go.

Lyman (1987, 153) found a related tactic at play in his case study of a grievance between fraternity and sorority members. In analyzing the dramaturgy of the dispute resolution meeting between the two student groups over a “failed joke,” Lyman notes how the women attempted to defuse the conflict with fraternity members by characterizing them as “little boys” who “don’t know what they’re doing.” The fraternity members joined in this construction, recouping the challenged insult as problematic yet normative behavior for themselves. When women attribute this sort of problematic

behavior to men's nature, it works to deflect the harm and intent of the behavior away from themselves as individuals, as people. "It's not about me as a person, but about them as men." With this, the possibility of maintaining some sort of relationship is conserved due to an assumed lack of *intent* to harm: "He/they really didn't mean it."

At some point, normalization must necessarily fail and the belief in harmless intent wears thin. When harassment is particularly egregious or prolonged, it cannot sustain its veneer of humor. For example, while Kate attributes everyday kinds of jokes and pranks to male nature, she attributes the most blatant of the intrusive and degrading behavior to a small group of guys who

just don't like female officers, period. For whatever reason they have, I don't know, maybe they have a burned relationship, maybe they had a bad experience with a female officer in the field, all across the board, they don't like it.

In this version of not taking it personal, the most serious of the jokes, comments, and slights are attributed to men who are damaged or abnormal in some way. Several people I interviewed referred to this type of man. Although the content of the pathologized man takes variously related forms (e.g., the "creep" or the "goof"), I will use one to illustrate the class. Christy and Jenny, two human resources representatives whom I interviewed jointly, tell a story of a manager who is a "ball-buster," a guy who "just doesn't get it."

*Christy*: He's also a ball-buster. He's one of those people who I think likes to push—just to see how far he can go. *Jenny*: Yeah. "Let's see how far we can go!" *Christy*: Exactly! Power! It's power. It's his way to exercise power over people. *Jenny*: And especially women [*pause*] being the chauvinistic person that he is.

Although they were also the targets of his harassing behavior, they could only get him to "ease off" after "a whole lot" of work. Christy, however, is suspicious of how far training and legal pressure can go.

It took a *whole* lot! Because you're trying to override something that is just so inbred in somebody. We're talking about personality. . . . I think a lot of sexual harassment isn't [*pause*] so separate that someone thinks, "Oh, I'm going to sexual harass!" I think it's part of a personality trait of chauvinism, of power, of aggression. You know, a lot of it comes from that, no matter what position a person's in.

For Christy, sexually harassing behavior is about power, but its genesis is a power-hungry, aggressive personality rather than organizational location,

socialization, or social structure. In fact, since from her experience this personality is present “no matter what position a person’s in,” she directly discounts the influence of organizational power.

Both normalization and pathologization work to block recognition of the act as a grievance. They explain why, in the face of sexually harassing comments or acts, one does not complain or resist. In the first moment of this tactic, the universality and immutability of male nature voids the grievance. In the later, the immutability rests in an individual personality, but the effect is the same: the harm is rhetorically deflected and the grievance is silenced.

#### IV. THE PARADOX(ES) OF COMPLAINING

##### A. The Requirements of Complaint: Does Not Taking It Personal Mean It’s Not Harassment?

If they don’t give any kind of indication [that they are offended] then I think that they have no grounds. I really think that there should be no lawsuit. I think that nothing has happened—just a conversation between a man and a woman.

—Robert (engineer, late 30s)

To not take it personal when confronted with harassment humor premised on one’s disempowered social identity is a common tactic of resistance. As I have shown, it is a tactic premised on reframing insults through various moves of deflection. It should be noted, however, that the stories of not taking it personal that inform this analysis are not simply examples of harmless workplace sparring. Peggy doesn’t take it personal when her co-workers make crude comments about her breasts and call her a bitch. Kate deals with sexually explicit pranks in the same way. Roberta brushes off bra snapping and grabbing as a fact of life since “that’s just the way guys are.” Their narratives—in affect and in the moments of their evocation—reveal pain, discomfort, and embarrassment.

Lurking in their stories is a shadow of an internal dialogue gauging whether one should be and can afford to be aggrieved by the action. Not taking it personal works as justification, a story that explains away one’s own impotence (Bumiller 1988). It might appear at first glance to be a form of “lumping it,” where one abandons a grievance when avoidance, exit, or resolution are unattainable (Felstiner 1974, Merry 1979). Yet lumping it evokes the impression of an emergent grievance recognized and then abandoned. In contrast, while the pain might be recognized, not taking it personal is a reframing of the incident that denies this very fact. Given this

narrative trope, the grievance appears denied from the outset. While related to lumping it, this tactic represents what is more accurately understood as a grievance, the harm that can never quite be named.

To use the law instrumentally requires two acts of faith, so to speak. First, one must believe that change is possible. Second, one must judge that the power for this change rests (at least partially) with the law. The “model of legal protection” (Burmiller 1988, 2) must be embraced. Yet, if a woman manages to not take it personal because she believes that it is just the way guys are, then there is nothing that anyone—the perpetrators, the victim, or the law—can do about it. Sexual harassment is problematic but “normal.” This parallels the advice that friends of Joy give her when she *does* complain of unfair treatment, “Joy, you haven’t learned yet? . . . It’s a man’s world.”

Likewise, if not taking it personal works to deflect sexual harassment by reframing it as the product of a deviant yet inherent personality—if it is “just the way *he* is”—the law seems similarly irrelevant. Judy, a 30-something Armenian-American woman working in construction management, says it well: “[The law] can’t make people be good and kind and fair.” With this frame, however, resistance might be more likely to succeed since one might wield the law to remove the perpetrator from the environment. The law’s ability to end the behavior itself seems questionable because sexual harassment in this instance is pathologized. In other words, while you can take the man out of the workplace, you can’t take the jerk out of the man.

Both versions of not taking it personal effectively frame the situation so that direct action is constrained and the direct use of the law is derailed. As such, “what may well be a political construction is viewed as a permanent aspect of the structure or process of an organization” (Clair 1993, 119) or an individual. That anyone using these beliefs as the backbone of an everyday tactic of resistance would even consider looking to the law as a resource of power is highly unlikely.

Even if one believes in the possibility of change and the law’s role in it, to claim sexual harassment one must take it personal. To name and claim it, one has to acknowledge the insult and its harm. As we have seen in analyzing the everyday logic of chain yanking, to take it personal is to work with the yank rather than against it. One concedes, rather than wins, the battle by calling attention to its presence and to one’s “weaknesses.” Cindy, the recruiter at the telemarketing company, says more than she knows when she insists that women be up front with what they find to be harassing.

I just think that it’s everybody’s individual responsibility to say, “This is my comfort zone. I feel comfortable with this and not with that.” Let it be known, you know, which lines . . . so everybody knows which lines to cross.

Her seeming slip of the tongue reveals what everyone who has faced power humor knows: react, and they know “which lines to cross.” Recent quantitative research on the effects of complaining bear this out. Hesson-McInnis and Fitzgerald (1997), for example, found that women experienced increasingly negative consequences of sexual harassment as their responses became more assertive, controlling for severity of the harassment. While not all negative consequences can be attributed to the power of chain yanking, the connection is suggestive (see also Hemming 1985).

Yet in making a claim of sexual harassment, direct complaint is a crucial requirement in the view of many people I interviewed and in the view of the courts (see note 5 above). If she is *really* sexually harassed, a woman must come forth and boldly assert to the perpetrator when something offends her. The absence of speech is read, then, as an absence of harm. Ironically, when viewed through the lens of the law, the silence (both emotional and literal) that is so central to the tactical power of not taking it personal erases the social harm of the act.

As I have argued, to take it personal is to claim simultaneously the harm and one’s own disempowerment. To move beyond the local and draw on the power of the law requires speaking one’s pain and powerlessness to the harassers, to one’s employer, and perhaps to the formal law. In so speaking, one acquires the identity of victim. “The public claim of discrimination,” as Bumiller (1988, 99) argues, “forces a person to become a victim in order to assert a right.” Just as Foucault understands the power of the confessional in producing subjects and the discourses of their discipline, the law of discrimination in its requirements of speech—in its exaction of confession—produces victims. The victim identity, however, is a stigmatized one, and wearing its cloak may interfere with other goals and roles (Bumiller 1988). For example, Vic, a manager in his 50s, notes that in his experience at Acme making a claim of sexual harassment “is sort of like rape, it tends to reflect as badly on the person filing the report as it does the person being accused.”

Sexual harassment as discrimination law, then, is multiply paradoxical. To establish a believable claim, a woman must make a showing of her disempowerment. Simultaneously, the law requires great acts of power from this woman by requiring her to speak out against the very people who are harassing her. Yet these acts of speech, in the context of power humor, are productive of disempowerment. In addition, she must reproduce the content of the speech that served as her harassment. In analyzing the stories that women told of harassment (named or unnamed), I noticed a striking parallel to the second victimization phenomenon of rape trials (e.g., Estrich 1991, 1987, Conley and O’Barr 1998). Many women seemed embarrassed to talk of the incidences as if by speaking of their victimization they perpetuated it. Thus, to claim that one has been sexually harassed—to invoke



even the shadow of the law—may further rather than end one's entrapment in contradictory social locations.

If one refuses to claim victimhood, if one continues to use informal countertactics such as not taking it personal, what happens if the harassment worsens? What happens if that fuzzy line between knowing they don't mean it and insult solidifies and is then crossed? What happens if your heart no longer buys the tactics of reification or pathologization? The law of sexual harassment requires a showing of unwelcomeness. A plaintiff cannot merely assert this; it is inferred from her behavior across time. Cindy (and many other people I interviewed) echoes this requirement in her suspicion of women who do not either act directly against the harassment or leave the situation:

But I do think that things do need to be addressed [pause] immediately. Um, if someone is going to say that they were sexually harassed for a year. Please! [laugh]

Once tactics of displacement are in play, a track record of toleration is constructed. A woman's history of not taking it personal and other tactics of deflection betray her when standing before the law. In the realm of the everyday, the intent of these tactics is to show to one's harassers that their harassment is not effective in its aim. The more a woman succeeds in this informal arena, however, the more likely she will fail in the eyes of the law. As was evidenced in the Thomas-Hill sexual harassment hearings, one's emotional silence and inaction can be taken as evidence against a claim of unwelcomeness and harm. For example, Ed, an instrument technician in his late 20s, questioned Professor Hill's truthfulness since "if it really did happen, why did she continue to let it." Not only is she required to speak, she is responsible for making it stop. According to the law—and to many people I interviewed—Robert (quoted at the beginning of this section) is right; when a woman fails to complain, "nothing has happened."

## B. The Double Bind of Exclusion

I think that sexual harassment law has sorta built a wall between the men and the women in the workplace. Because when, I mean, when I sit down with a bunch of guys and we start talking about—something sexual, that type of thing—we know nobody there is going to get offended in any way. And if you are going to talk about something or say something, it's not going to end up in personnel.

—Sid (facilities, mid-40s)

For antidiscrimination law, rooted in liberal legal notions of equality, the harm of gender discrimination is connected to the group identity “women”. Discrimination is perpetrated when an individual is judged negatively or denied privilege or access on the basis of their protected group membership (Rhode 1989). Sexual harassment as a legal harm is a child of discrimination law, birthed—in fits and starts—over the last 20 years (MacKinnon 1979, 1987). While recent cases have muddied the water (e.g., see Colker 1995), sexual harassment as sex discrimination argues that one would not have been subjected to the abuse “but for one’s sex.” In presenting a case of sexual harassment to the courts, a woman must stand before the law at the site, woman. Her claim of harm is premised on the injustice of being treated *as a woman*. One, then, must not only accept the identity and role of victim, but of *gendered victim*.

In the realm of the everyday work world, as I have argued, the tactic of not taking it personal is one of the few available to people in Peggy’s and Kate’s situation. These women are individuals marked as different (i.e., women in male-dominated workplaces) in environments necessitating a high level of interaction and dependence on one’s peers. In a situation where interpersonal relationships are paramount and must be maintained, one cannot afford to be ostracized by the group; success at the job depends on getting along. As a sheriff’s deputy, for Kate to fail to successfully negotiate the tangle of personal relationships can be downright dangerous. She explains, for example, that if officers “don’t like the guy, they’ll take their time” responding to a call for backup. If a woman is seen as a troublemaker, the male officers practice similar resistance tactics, making her job lonely, difficult, and dangerous. Similarly, as a managing customer service representative in the construction industry, Judy knows that getting along is the only way to “get the job done.”

[[If] I believe strongly in [something, it] is worth fighting for, but there’s just sometimes to where [pause] it’s not. It’s not effective. You’re only going to cause enemies. And if you’re going to cause enemies, you’re not going to get your job done. You’re not going to get the performance that you want.

This necessity of group interdependence is the source of power for identity humor and also the root of its harm. When men use sexist humor as a medium of masculine solidarity, woman coworkers are in the contradictory position of needing to be in-group as *coworkers*, yet find themselves to be out-group as *women*. The practice of masculine group solidarity is premised on a hierarchical gender regime and enacted through sexist and sexual humor. In this context, men may gain power over an individual woman by calling attention to her difference, that is, to her *womanliness*.

Not taking it personal is a way for a woman to negotiate her contradictory relationships with her male coworkers. As a countertactic to their acts of sexism and harassment, not taking it personal is an attempt to manipulate these gendered identities through the art of deflection. In the first moment, a woman separates from the group under attack by referencing a true person, to her (beyond-gender) individuality. In its second moment, this countertactic functions by encapsulating and then deflecting sexist or aggressively sexual comments or actions back onto the men who produced them.

Ironically, in its second moment, the resistance tactic plays to this construction of masculine group membership rather than resists it. It deflects the intent away from the individual woman by denying that they mean her, yet ultimately reinforces masculine identity by attributing the comments to the “way guys are.” While some may find limited success in separating themselves from the group woman, complete success is impossible, for she is negotiating a terrain of contradiction; she can never really *be* one of the guys. This tactic of deflection operates on the same terrain: she bolsters their masculine humor by deflecting it with a reference to their manliness (even if derogatory).

The law, however, offers no escape from this contradiction. To claim sexual harassment, a woman *must* take it personal, claiming individual harm *and* group membership as a *woman*. To be sexually harassed is to be harassed *because* of one’s sex. The legal remedy—to name and claim sexual harassment—works with, rather than against, the harassment by furthering a woman’s separation from her work group. Peggy understands this when considering the possibility of complaint.

I always felt like, if I [[complained], then I would be looked upon like, “Oh, who does she think she is?” type thing. . . . It’s just a guy thing. And if I want to fit in with that group then I’ve got to fit in with it.

While the jokes of the men are often aimed at highlighting her difference and thus her exclusion from the masculine group—how she is a woman—claiming harassment would work with this claim rather than against it. For Peggy to complain would require that she take it personal and accept that she is truly not part of the group. By not taking it personal Peggy is attempting to deflect their gendering, show she is a good sport and deserving of group membership. Paradoxically, the possibility of maintaining some sense of membership with her coworkers is preserved. In contrast, a legal claim would require her to actively acknowledge and participate in her separation.

This is an important point. Most researchers and legal scholars have assumed that the harm of sexual harassment lies in its content, that jokes

and pranks and talk of sexuality are *inherently* demeaning.<sup>9</sup> In the case of insider humor, however, that the humor is sexist or overtly sexual may be of secondary concern. The main harm lies in the continual reassertion of a woman's outsider status. This is not a new finding—Kanter (1977) recognized the function harassment could play as indirect boundary maintenance in her study of Insko in the late 1970s. She noted that when men use practices of group solidarity based on masculine identity, they “[create] an occasion for uniting against the outsider and asserting dominant group solidarity” (1977, 224).

Boundary maintenance in organizations can work in a number of ways; sexual harassment is simply a particularly effective one for men to use with women. In her job in construction, Judy was not offended per se by the male employees' crude remarks or the pornography in the construction trailer; in contrast, she found it childish and unprofessional. More importantly, she also understood how these things functioned to separate her from the group. Judy says she eventually felt accepted, and claimed some of her male co-workers as friends. Through repeated experiences of men rallying the wagons of gender in situations of stress or conflict, however, Judy came to realize that she would never really be accepted. “I didn't want to give myself this false sense of security that I belonged,” she explained, “because I didn't.”

While the instrumental power of sexual harassment law appears attenuated in these women's lives, its symbolic power is evident, although often not in the form hoped for by reformers. Rather than acting as a mechanism to focus attention on the plight of women victimized by sexual harassment, the fear of complaint emerged as a larger issue among the individuals I interviewed.

In her experience as a deputy, Kate has seen how a female deputy's report of sexual harassment often affects her career more negatively than that of her accused harasser. She explains how “the female is basically blackballed. She'll get transferred, and she won't promote as quickly.” This does not seem to be confined to policing, for several Acme employees noted a similar trend at their company. In the face of this fact, however, some men use the fear of women falsely accusing them of sexual harassment as another reason to exclude women. “They say, ‘Don't go around her. Don't say anything sexual around her or you'll get P.I.ed,’” explains Kate, and “and nobody wants to get P.I.'ed.” (A P.I. is a report that goes into a deputy's personnel file.) The mere fear of sexual harassment charges, then, is used to further isolate women and to justify men's hostility toward them in the workplace. Miller (1997) found a similar pattern in her study of sexual

---

9. Ruth Colker's analysis of recent sexual harassment cases (1995) shows an alarming trend for judges to view sexual harassment through the old lenses of virtuous womanhood rather than from the frame of equality and disadvantage.

harassment in the military. Men, who were “required to monitor their behavior in the presence of others,” resisted by appropriating the claim of silencing, using the language of feminism to critique the regulations of their acts and speech via sexual harassment policies.

In Cindy’s company, because of complaints from some “feminists” (according to Cindy), the owners hired a consultant to give them a morning of training on sexual harassment policies. The event was revealing for Cindy. The guys, she admits with frustration, “were awful!”

[They would say], “Oh please, that’s nothing!” “Oh well, look at her, the only reason she said that is because she looks like a dog!” I mean, Oh!

The training, at least temporarily, transformed her image of the men she works with.

I was looking at a lot of the guys like, “You insensitive pig!” I mean even guys I thought were sensitive. . . . I mean I really saw people in a different light.

While many companies sponsor sexual harassment training sessions more out of a concern for their pocketbooks, the assumption in the research community has been that regardless of employer intent, the sessions are valuable. In the case of Cindy’s company, however, with no leadership from management, the men gleefully used the event as a resource for insider humor. And the jokes continued after the training session.

The guys are like, [in a deep voice] “Oh! Well! We better not offend the little girls! Better not say something or we’re all going to get in trouble! And they’re going to make lawsuits. And we’re all going to get busted.” . . . I mean it was kind of like a mockery, like a joke to them.

In these contexts, sexual harassment training may serve more as fodder for a continuing discourse of masculine humor than as a brake on inappropriate behavior.

Now if I hug somebody, “Oh! I better not hug you for more than three seconds—sexual harassment!” Or, “Cindy, you look really nice today. Oh! No! Sexual harassment!” And I’m just like, “You guys!”

In her job at Acme, Pat, a Chicana<sup>10</sup> secretary in her early 30s, has noted a similar phenomenon.

The way I see it, whoever puts in the lawsuit, . . . there's a stigma against that person. . . . When you rule on a case of sexual harassment and you find for the person who made the complaint that kind of wipes out anything that's going to come for that person. Like, you know, you can't come near, you can't talk to that person 'cause they're going to sue you. Or, "don't stand too close to her, she's going to sue you." I think it's unfair. . . . [People think that there is] something wrong with you, you can't even take a compliment or whatever.

Harassment claims found to have merit are transformed in the discourses of everyday life to "compliments" and "just joking." Given these women's experiences in their workplaces, it seems reasonable that women would hesitate to claim sexual harassment. To do so may cut one off from valuable mentoring, sources of information, and deny one the pleasure of being able to talk freely to one's coworkers. It is much simpler, in the short run, to "not take it personally."

While some men may actively use sexual harassment policies as their justification for women's exclusion, many men and women simply lament the loss of "frank communication" supposedly brought on by these policies. Morton, for example, upholds the standard of gentlemanly behavior, but mourns the loss of open communication.

You have to think: is this going to be sexual harassment or isn't this going to be sexual harassment? Is this good for 'em or not good for 'em? Is this politically correct or not politically correct? . . . It just makes it a little harder to communicate.

Lois, as the only woman engineer in her company, realizes that the men would be much more comfortable around her if she were a man. As a woman, she thinks the men probably hold back since they think, "Well, she's a woman so we can't say certain things." And Sid, quoted at the beginning of this section, worries that "sexual harassment law has sorta built a wall between the men and the women in the workplace." Since men don't "get offended" (certainly a questionable assumption), you can trust that you will not find yourself facing a complaint brought to the personnel office.

Even if men are not particularly hostile to women in their workplace and are careful to avoid sexually harassing behavior, fear of sexual harassment claims may have the effect of further isolating women in these

---

10. Pat self-identified as a *Chicana*. She explained that her parents were active in the Chicana Power Movement of the 1970s, and the term has rich significance for her.

workplaces. As such, the power of sexual harassment is furthered through both its practice and its resistance.

## V. CONCLUSION

When the content of humor is sexist or sexually demeaning and the context is a workplace, the possibility of defining it as hostile work environment sexual harassment exists. Using the law is but one of a limited number of possible options that are often entangled and contradictory. In this article, I have elaborated some of the mechanisms by which tactic-counter-tactic pairings obscure and negate the naming of even severe harassment as legally prohibited and actionable discrimination. In particular, I have illustrated how the resistance tactic of not taking it personal can work to exclude the possibility of naming an act as sexual harassment.

Given this, is the law to be abandoned as hopelessly remote? What is the value of sexual harassment law in the face of its contradiction with everyday tactics? In conclusion, I address two emergent issues with the hope of offering some direction. The first is an elaboration on the ironic power of contradiction to both sustain oppression and to provide the space for its resistance. The second examines the futility of sustaining critique and resistance with individual-level tactics, arguing, in contrast, for the power of both re-embedding and unveiling everyday contradictions as a means for eliding their power.

A contradictory situation is "one that is 'based on premises that cannot be simultaneously realized, so that to pursue one it must repress the other, and thus become self-refuting'" (Bologh, as quoted by Ferguson 1984, 20). The tactic of chain yanking operates as a double bind, deriving its power from discursive contradiction and ambiguity. As Goffman (1986, 387) has noted, the double bind "employ[s] careful ambiguities or a tone that can be claimed to signal either a joking unseriousness or a face-value intent." Its power also derives from the contradictory position in which the target is placed, since both the act and "appropriate" resistance to it function to silence. It is in these silences that the naming of sexual harassment is arrested. Similarly, contradiction operates in masculine insider humor by assigning the same meaning to both the act and its resistance. Insider humor marks a woman as an outsider as does her potential resistance to it through complaint. Both result in similar positions of disempowered isolation.

As Ewick and Silbey (1998, 230) have suggested, the power of contradiction is dual, offering "the means of critique, but also the means of justification." In this study of sexual harassment, the power of contradiction to reproduce disempowerment is evidenced, but the unveiling of these same contradictions offers powerful clues to the logic behind the production of hostile work environment sexual harassment and to unraveling women's

common rejection of the law. While Ewick and Silbey use their stories of contradiction to illustrate the hegemonic power of the law, the present study, in contrast, illustrates the hegemonic power of gender in the everyday world. In the play of *these* contradictions, it is the law—along with women—that is disempowered in the realm of “the common” (Ewick and Silbey 1998, 249). Rather than an illustration of the ways “law and everyday life come together, and in which law both constitutes and is constituted in the everyday,” this study reveals a scene where the instrumental power of the law is diluted, if not expelled, and its symbolic power caricatured, if not wholly distorted.

To understand an object’s boundaries, a view of both its territory and the space where it is *absent* are necessary. The beauty of an artistic composition, for example, is produced through *the relation* between the object of depiction (foreground) and the surrounding “negative space” (background). Similarly, the boundaries of the law, and thus the extent and form of its power, are visible at the points of its negation. By exploring the processes by which women do not and cannot claim the power of the law through naming disempowering instances as sexual harassment, we may “confront law in its dailiness” making visible that which is often a “virtually invisibly factor in social life” (Sarat and Kearns 1993, 1)

Not taking it personal is one common tactic of resistance used by the people I interviewed. It is a tactic of silence, but not one necessarily of weakness. It is a *tactic of survival* (Bumiller 1988) used by those who have limited palettes of responses by virtue of their disempowered positions. It operates as a tactic of the individual, working in part by separating from the identity woman. This countertactic might lessen the number of comments or behaviors directly targeted at the individual woman, but it does nothing to reconstitute the power dynamics of the overall work environment. While this deflection offers the disempowered a way to continue to operate in a hostile environment, in both forms responsibility for the action and its harm are deflected from the perpetrators as well. Responsibility for complaining and thus challenging the power inherent in these relations is deflected away from the victim and the victims’ own impotence is justified (Bumiller 1988, 3).

Premised on deflection, tactics such as not taking it personal reinforce a “serial anonymous facticity” and limit the “mutual recognition and positive identification of oneself as in a group” (Young 1994, 731). Not taking it personal is a “counterfinality,” a situation where “the consequence of individual intentional actions produces a result that is counter to some purposes and that no one intended” (Young 1994, 726; see also Kanter 1977, 261). Young offers Sartre’s example of highway gridlock as illustration, a pattern of incapacitation produced by many individual, and seemingly rational, actions. Similarly, by using the tactic of not taking it personal, each



woman acts logically within her specific, local, and contradictory tactical milieu, but in these acts she reproduces rather than dismantles the structures which are productive of her disempowerment.

The power of the tactic-countertactic pairings work to reproduce existing power relations, because the contradictions on which they are based remain invisible at the level of the individual. As Marx suggested, the terms of contradiction may be reconstituted when they become apparent, when those subject to it become conscious of its operation. Escape from the contradiction is possible only in its recognition as common (that is, a problem of many rather than one), as structural, and as socially constructed.

To successfully fight sexual harassment requires more than simply honing sexual harassment policies and educating women and men about these policies. The contradictory reality of women's everyday lives must be explored, uncovered, examined, and shared. This process cannot move top-down. An understanding of these contradictions emerges only from the "lived actualities" of women's lives (Smith 1990, 71). As social scientists, we can facilitate the production of this structural and personal knowledge, but we are not its sole authors. In this, research grounded in the everyday offers not only knowledge but also the possibility of a resistance that is productive of true change. Research, then, becomes a form of consciousness raising and thus, explicitly political. As Dorothy Smith (1987, 154) notes, consciousness raising "offers a mode in which women can find the lineaments of the oppression they share with others and of different oppressions rooted in the same matrix of relations" (1987, 154).

In this, the law need not remain unused, nor is it completely irrelevant. It is, however, limited because of its piecemeal, individually oriented structure. It offers only some, but not all, of the terms of discussion. The legal naming of sexual harassment has placed it in the public consciousness (MacKinnon 1993), but the connection between the law and everyday practice is contradictory and incomplete. It is through the tracking of these contradictions that both the power of the law and "its undoing" (Sarat and Kearns 1993, 59) are revealed. Naming sexual harassment was the first step. Revealing these contradictions and inserting them into the public discourse on sexual harassment is the next. It is in the continued process of making visible these everyday contradictions that the possibility of effective resistance and effective voice lies.

## REFERENCES

- Abu-Lughod, Lila. 1990. The Romance of Resistance: Tracing Transformations of Power through Bedouin Women. *American Ethnologist* 17:41-55.
- Bremer, Barbara, Cathleen T. Moore, and Ellen F. Bilderssee. 1991. Do You Have to Call It "Sexual Harassment" to Feel Harassed? *College Student Journal* 24 (3): 258-68.

- Bumiller, Kristin. 1988. *The Civil Rights Society: The Social Construction of Victims*. Baltimore: Johns Hopkins University Press.
- Clair, Robin P. 1993. The Uses of Framing Devices to Sequester Organizational Narratives: Hegemony and Harassment. *Communication Monographs* 60 (2): 113-36.
- Coles, Frances S. 1986. Forced to Quit: Sexual Harassment Complaints and Agency Response. *Sex Roles* 14:81-95.
- Colker, Ruth. 1995. Whores, Fags, Dumb-Ass Women, Surly Blacks, and Competent Heterosexual White Men: The Sexual and Racial Morality Underlying Anti-discrimination Doctrine. *Yale Journal of Law and Feminism* 7:195-225.
- Conley, John, and William O'Barr. 1998. *Just Words: Law, Language, and Power*. Chicago: University of Chicago Press.
- Connell, R.W. 1995. *Masculinities*. Berkeley and Los Angeles: University of California Press.
- Crenshaw, Kimberle. 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum* 1989:139-67.
- Dansky, Bonnie S., and Dean G. Kilpatrick. 1997. Effects of Sexual Harassment. In O'Donohue 1997.
- de Certeau, Michel. 1984. *The Practice of Everyday Life*. Berkeley and Los Angeles: University of California Press.
- Engel, David M. 1987. The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community. *Law and Society Review* 18:551-82.
- Estrich, Susan R. 1987. *Real Rape*. Cambridge, Mass.: Harvard University Press.
- . 1991. Sex at Work. *Stanford Law Review* 43:813-61.
- Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law*. Chicago: University of Chicago Press.
- Felstiner, William L. F. 1974. Influences of Social Organization on Dispute Processing. *Law and Society Review* 9:63-94.
- Felstiner, William L. F., Richard L. Abel, and Austin Sarat. 1980-81. The Emergence and Transformation of Disputes: Naming, Blaming, Claiming. . . . *Law and Society Review* 15 (3-4): 631-54.
- Ferguson, Kathy E. 1984. *The Feminist Case against Bureaucracy*. Philadelphia: Temple University Press.
- Fine, Gary Alan. 1976. Obscene Joking across Cultures. *Journal of Communication* 26:134-40.
- . 1987. One of the Boys: Women in Male-Dominated Settings. In Kimmel 1987.
- Fitzgerald, Louise F., and Suzanne Swan. 1995. Why Didn't She Just Report Him? The Psychological and Legal Implications of Women's Responses to Sexual Harassment. *Journal of Social Issues* 51:117-38.
- Fitzgerald, Louise F., Mindy E. Bergman, and Charles L. Hulin. 1998. The Psychology and Job-related Consequences of Sexual Coercion in the Workplace. Paper Presented at the Annual Meeting of the Law and Society Association. Aspen, Colorado, June 4-7.
- Fitzgerald, Louise F., S. Shullman, N. Bailey, M. Richards, J. Swecker, A. Gold, A. J. Ormerod, and L. Weitzman. 1988. The Incidence and Dimensions of Sexual Harassment in Academia and the Workplace. *Journal of Vocational Behavior* 32:167-77.
- Fitzgerald, Louise F., Suzanne Swan, and Vicki J. Magley. 1997. But Was It Really Sexual Harassment? Psychological, Behavioral, and Legal Definitions of Sexual Harassment. In O'Donohue 1997.
- Foucault, Michel. 1980. *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. N.Y.: Pantheon.

- Giuffre, Patti, and Christine Williams. 1994. Boundary Lines: Labeling Sexual Harassment in Restaurants. *Gender and Society* 8:378-401.
- Goffman, Erving. 1986. *Frame Analysis*. Boston: Northeastern University Press.
- Gruber, James. 1989. How Women Handle Sexual Harassment: A Literature Review. *Sociology and Social Research* 74 (1): 3-9.
- . 1990. Methodological Problems and Policy Implications in Sexual Harassment Research. *Population Research and Policy Review* 9 (3): 235-54.
- . 1992. A Typology of Personal and Environmental Sexual Harassment: Research and Policy Implications for the 90s. *Sex Roles* 26 (11-12): 447-64.
- Gutek, Barbara A., and Mary P. Koss. 1993. Changed Women and Changed Organizations: Consequences of and Coping with Sexual Harassment. *Journal of Vocational Behavior* 42 (1): 28-48.
- . 1994. Gender Differences in Clerical Workers' Disputes Over Tasks, Interpersonal Treatment, and Emotion. *Human Relations* 47:611-39.
- Hemming, Heather. 1985. Women in a Man's World: Sexual Harassment. *Human Relations* 38 (1): 67-79.
- Hesson-McInnis, Matthew, and Louise F. Fitzgerald. 1997. Sexual Harassment: A Preliminary Test of an Integrative Model. *Journal of Applied Social Psychology* 27 (10): 877-901.
- Jaworski, Adam. 1993. *The Power of Silence: Social and Pragmatic Perspectives*. Newbury Park, Calif.: Sage Publications.
- Johnson, Miriam. 1988. *Strong Mothers, Weak Wives*. Berkeley and Los Angeles: University of California Press.
- Kanter, Rosabeth Moss. 1977. *Men and Women of the Corporation*. N.Y.: Basic Books.
- Kimmel, Michael, ed. 1987. *Changing Men: New Directions in Research on Men and Masculinity*. Newbury Park, Calif.: Sage Publications.
- Koss, M. P. 1990. Changed Lives: The Psychological Impact of Sexual Harassment. *Ivory Tower: Sex and Gender Harassment in the Academy*. Albany: State University of New York Press.
- Lafontaine, Edward, and Leslie Tredeau. 1986. The Frequency, Sources, and Correlates of Sexual Harassment among Women in Traditional Male Occupations. *Sex Roles* 15 (7-8): 433-42.
- Loe, Meika. 1996. Working for Men-at the Intersection of Power, Gender, and Sexuality. *Sociological Inquiry* 66 (4): 399-421.
- Lyman, Peter. 1987. The Fraternal Bond as a Joking Relationship: A Case Study of the Role of Sexist Jokes in Male Group Bonding. In Kimmel 1987.
- MacKinnon, Catharine A. 1979. *The Sexual Harassment of Working Women*. New Haven, Conn.: Yale University Press.
- . 1987. *Feminism Unmodified*. Cambridge, Mass.: Harvard University Press.
- . 1993. Reflections on Law in the Everyday Life of Women. In Sarat and Kearns 1993.
- McCann, Michael. 1991. Legal Mobilization and Social Reform Movements: Notes on Theory and Its Application. *Studies in Law, Politics, and Society* 11:225-54.
- Merry, Sally Engle. 1979. Going to Court: Strategies of Dispute Management in an American Urban Neighborhood. *Law and Society Review* 13:891-25.
- Miller, Laura. 1997. Not Just Weapons of the Weak: Gender Harassment as a Form of Protest for Army Men. *Social Psychology Quarterly* 60(1):32-51.
- Miller, Marjorie. 1992. Ladies and Gentlemen: Hypocrisy, Mystification, and Sexual Harassment. *Soundings* 75:357-64.
- Mnookin, Robert H., and Lewis Kornhauser. 1979. Bargaining in the Shadow of the Law: The Case of Divorce. *Yale Law Journal* 88:950-97.

- O'Donohue, William ed. 1997. *Sexual Harassment: Theory, Research, and Treatment*. N.Y.: Allyn and Bacon.
- Paludi, Michele, and Richard Barickman. 1991. *Academic and Workplace Sexual Harassment: A Manual of Resources*. Albany: State University of New York Press.
- Radcliffe-Brown, Alfred R. 1952. *Structure and Function in Primitive Society*. Glencoe, IL: Free Press.
- Rhode, Deborah. 1989. *Justice and Gender: Sex Discrimination and the Law*. Cambridge, Mass.: Harvard University Press.
- Sarat, Austin, and Thomas Kearns, eds. 1993. *Law in Everyday Life*. Ann Arbor: University of Michigan Press.
- Smith, Allen, and Sherryl Kleinman. 1989. Medical Students' Contacts with the Living and the Dead. *Social Psychology Quarterly* 52(1):56-69.
- Smith, Dorothy E. 1987. *The Everyday World as Problematic: A Feminist Sociology*. Boston: Northeastern University Press.
- . 1990. *The Conceptual Practices of Power: A Feminist Sociology of Knowledge*. Boston: Northeastern University Press.
- Taylor, Bryan, and Charles Conrad. 1992. Narratives of Sexual Harassment: Organizational Dimensions. *Journal of Applied Communication Research* 20 (4): 401-18.
- Thorne, Barrie. 1993. *Gender Play: Girls and Boys in School*. Buckingham, England: Open University Press.
- United States Merit Systems Protection Board. 1988. *Sexual Harassment in the Federal Government: An Update*. Washington, D.C.: Government Printing Office.
- Vincent, Joan. 1994. On Law and Hegemonic Moments: Looking Behind the Law in Early Modern Uganda. In *Contested States: Law, Hegemony and Resistance*, ed. M. Lazarus-Black and S. F. Hirsch, 118-37 N.Y.: Routledge.
- Young, Iris. 1994. Gender as Seriality: Thinking about Women as a Social Collective. *Signs* 19 (3): 713-38.