

University of Tartu
Institute of Philosophy and Semiotics

F. M. CHRISTENSEN'S CRITIQUE OF "SEXUAL HARASSMENT"
Bachelor's Thesis in Philosophy

Daria Dreilikh

Supervisor: Marek Volt

Tartu
2018

Table of Contents:

1. Introduction	3
2. Definitions of Sexual Harassment	5
2.1 The Dominance Perspective	5
2.2 A Feminist Conception	6
2.3 The Liberal Perspective	8
2.4. Sexual Harassment Is Not a Legitimate Concept	12
3. "Sexual harassment" Must be Eliminated	15
3.1 "Sexual harassment" Is a Violation.	15
3.2 "Sexual harassment" Is Sexist Discrimination	17
3.3 "Sexual harassment" Is a Serious Societal Problem	19
3.4 Analysis (author's views and complaints)	20
4. Imaginary Discussion	26
4.1 Points Of Contact	26
4.2 A Battle Of The Sexes	27
4.3 No Racial Discrimination	28
4.4 The Power Of Sexuality	29
5. Conclusion	31
List of references	33
Abstract	34
Resümee	35
Lihtlitsents lõputöö reprodutseerimiseks ja lõputöö üldsusele kättesaadavaks tegemiseks	36

1. Introduction

In anticipation of the new year it is always interesting to look back and see what happened throughout 2017. Among the different themes and scandals in various spheres one special topic haunts me. Since The New York Times had published articles about the harassments of one of the most famous Hollywood directors Harvey Weinstein, that boom began. It turned out that there are so many Hollywood actresses and famous people suffering from harassments and even assaults of directors, security guards, husbands, gardeners – this list could be endless. Well, if celebrities are in the focus of everybody's attention, nobody knows what happens with us, ordinary people.

And that is why this topic interested me so much. Sexual harassment is considered to be a serious indictment and because of this women do not lose the chance to blame men in doing something bad. But is sexual harassment really that bad as it is presented? What harm or even benefits does it bring to women? Do only women suffer from sexual harassment? Why women or men need to blame the opposite sex for violence? Here in this thesis I will attempt to answer these and other questions, examine sexual harassment from the philosophical point of view and try to explain why it may not deserve the public outrage it gets.

First of all, it should be clear that not only Hollywood stars are involved in sexual harassment. Philosophers also discuss this notion and have different points of view. Some of them have strong negative attitude regarding this issue and support feminists, some of them in contrast do not claim that sexual harassment is morally wrong action. It is important to understand that philosophers have to analyze this notion from the perspective of ethics and morality. But there are not less opinions about what is moral and what is not among the same philosophers. That is why the level of explanation is so different. In 1986 Vrinda Dalmiya wrote:

“The philosopher’s task is to consider the “hard” cases: to see, for example, whether euthanasia or abortion amounts to murder. The issue of sexual harassment is very different. Here philosophers are not dealing with the borderline and hard cases because identification of even a single instance as a case of harassment is controversial.”¹

In this thesis I decided to choose “the dark side” and contrary to the allegations about what harm sexual harassment brings, I tried to examine this notion from the other point of view. In my thesis I am going to explain that probably there should not even exist such an issue as “sexual harassment”.

1. Dalmiya 1986, 46-64.

In the following thesis, I will provide examples of what is called “mission drift” when something we see is not what we see and think it is in fact. There are a lot of different views and I am going to concentrate on the most interesting topic which is in contrast to all others. It belongs to F.M. Christensen, who tries to explain why the notion of sexual harassment must be eliminated.

It is considered that sexual harassment is intimidation, mockery or coercion of a *sexual* nature. The main word here is *sexual*. To understand which actions have *sexual* nature, we need to explain what the notion “sexual” means. In general this notion has two meanings – one refers to physiological processes or instincts; the second one refers to gender. In context of sexual harassment the word “sexual” usually is used in the first meaning. Thus, sexual is connected with *physical attraction* between individuals. The next concept to explain is *physical attraction*. In most cases physical attraction is a desire for *sexual* intimacy. Now circle is complete but nothing is clear. What actions can be considered as sexual? Is touching someone in the bus during rush hour is the same as touching your colleague knee during the morning briefing? Of course, no. Touching in the bus is accidental, whereas touching colleague's knee is intentional. Even if touching in the bus is not random, it happened once and there is little chance that you will meet this person again, while you meet your annoying colleague every day. Now you think the annoying colleague is a man but actually I did not mention the gender. Imagine this colleague is a female and she just likes your pantyhose in case you are a woman. But what if you are a man and she touches your knee every morning? What are the odds, that you will consider such action as harassment? Most likely you will be flattered.

In the thesis I would try to handle this fine line between harm and pleasure. But first of all, it is needed to examine what definitions of those concepts already exist. By “definitions” here and throughout the entire thesis I mean more than simple meaning of the notion, it is the philosophical approach supported by examples and moral attitude. That is why in the first part of my thesis I will consider different definitions of sexual harassment according to Margaret Crouch, who gathered a variety of opinions. She starts with the crucial one of Catharine MacKinnon’s about sexual discrimination and finishes with the one which I put in the centre of my thesis - F.M. Christensen's view. In the second part of the thesis I will examine Christensen’s view and explain my own opinion – why sexual harassment does not deserve so much attention. He starts with a consideration of this notion from the linguistic point of view as I did above. And that makes his view interesting. In the last part I am going to describe imaginary debates between some of mentioned philosophers and Christensen to review their arguments.

2. Definitions of Sexual Harassment

Margaret Crouch has written a book called “Thinking about sexual harassment”² where she described different philosophical points of view about sexual harassment. Her task is to explain variety of definitions in the philosophical context. She claims that philosophers try to answer such questions like “Why is sexual harassment considered as morally wrong?”. Crouch reckons that law considers the harm caused to individuals but does not explain what kind of harm it brings to people. That is why we need to distinguish the legal aspect from philosophical one. This part of my paper gives the overview of traditional dispute about sexual harassment and helps to analyze the speciality of F.M. Christensen’s point of view.

2.1 The Dominance Perspective

This definition is based on Catharine MacKinnon's concept that she equates to sexual discrimination. She includes in sexual harassment definition two kinds of inequality: gender and economics. The first one refers to woman as a female in society. “A feminist theory of sexuality would locate sexuality within a theory of gender inequality, meaning the social hierarchy of men over women.”³ That means that men have sexual dominance over women which is caused by the misuse of power. The second one refers to the social oppression which means that men can influence the position of women in society, the quality of her work and benefits brought to other people. In defense of her point of view MacKinnon proposes two approaches: the differences approach and the inequality. The first one claims that though men and women are biologically and socially different these distinctions have highly questionable context because both women and men may fall under violence but mostly women are the victims. The latter approach envisions woman promptly as an unconstrained member of society because of unevenness of power.

Margaret Crouch calls this definition of sexual harassment the dominant because she considers that MacKinnon prefers the inequality approach. In the fifth chapter of her book she describes MacKinnon's view in two ways. First of all, her definition is too broad because she defines the inequalities as overindulgence of power. But «power» is a very wide concept. Teacher is more powerful than his student, because he/she knows more and can give a student more information and knowledge, as same as a doctor does to his patient. We can also speak about physical power.

2. Crouch 2001.

3. MacKinnon 1989, 316.

Men are naturally stronger than women and it does not mean all of them intend to harass the opposite sex. At the same time Crouch thinks MacKinnon definition is too narrow because she speaks only about heterosexual relationships and does not assume that one man can be damaged by harassment from another man.

Ellen Frankel Paul mercilessly criticizes MacKinnon's approach: "...the genders of harasser and victim could be reversed, or that a member of one sex could harass another of that same sex."⁴ She is against the comparison of sexual harassment at workplace with sex discrimination. Men can be equally abused in their rights at work as women, it only depends on their professional qualities and maybe craftiness. One masculine colleague can sit up his friend in order to get the higher position, and it has nothing in common with sex discrimination.

In my opinion MacKinnon's definition is not ideal but has the right to exist as other opinions and views. But despite this, there are some positions which I absolutely disagree with: the power and sexual dominance points. I suppose that men are biologically stronger than women and, thus, have more power. For that reason from the very beginning they were obliged to bring booty, protect and defend their families. It is hardly believed that one woman could kill mammoth unless she is as strong as man or Xena. One may say such approach is very conservative but it is historically approved. Secondly, I do not think men are sexually dominant over women. Women evoke desire and passion wearing short skirts, using defiant make-up and certain types of behavior because it is harder for men to constrain sexual emotions and feelings (again) due to biological reasons.

Thereby, I would not take into account MacKinnon's differences approach based on gender inequality.

2.2 A Feminist Conception

This conception belongs to Anita Superson: "[sexual harassment] does not adequately reflect the social nature of it, or the harm it causes all women."⁵ Her view is quite similar to MacKinnon's one but I think Superson's approach is more feministic because the main idea of her claim is social impact. She considers that any behavior (no matter verbal or physical) that is expressed from one person damages not only the other one but all people of the same sex. In other words when man harasses one certain woman, he sends the message of violence and hatred to all women of the planet. Superson draws a parallel between sexual harassment and racism because it brings the idea of inferiority that hurts other people.

4. Paul 1990, 334.

5. Superson 1993, 46.

The same sexual harassment does with women. Superson supports MacKinnon's view about power. She gives examples about how group of men on the street drum up unfamiliar girls and women with animal sounds (so called "catcalls"), how professors call their female students using contemporary language (she uses "chicks") and what publications doctors use as visual material ("Playboy"). These are her examples of male power. Likewise, Superson distinguishes sexual harassment and sexual satisfaction arguing that harasser does not feel satisfaction while making harm but feels the power.

Moreover, Superson proposes several kinds of harm that sexual harassment brings. She speaks about losing women's autonomy and abasement of women's dignity. Both these harms are related to two myths. First one is about men's essence (notion of predator), the second one is about women's defenselessness (notion of victim). That means that cases of sexual harassment make women weak and dependent from men who are, in turn, primary and become predators.

Another important issue of her definition is an attempt to make the sexual harassment objective. She claims that a man can undress a woman with a glance looking at her while experiencing a sense of lust or other prurient thoughts (humiliating the feminine gender), whereas a woman does not feel suchlike emotions.

The last significant implication of her definition Superson refers to the law context arguing that law determines sexual harassment easier than philosophers do. In her opinion court should distinguish sexual attraction and sexual harassment.

Margaret Crouch gives notably negative assessment of Superson's definition. Firstly, she calls her arguments debatable because of different counter arguments that may exist. Then, like MacKinnon's, her definition suffers from its broadness and narrowness at the same time. It is too broad because Superson makes claims about group harm of sexual harassment - that means that she unites all women, but cases can be different. That is why Crouch does not agree with group harm because in other way it would be called gender harassment. Crouch gives one more reason of why this view is broad - Superson does not speak about subjective cases, she does not distinguish them, she takes any behaviour and concludes it in one summary. Her view is also too narrow because Crouch considers it more as gender harassment, and Superson speaks only about harassments toward women by men like MacKinnon does. Crouch calls Superson's point of view feministic as her arguments are all set to humiliate women by men.

I started to think - why sexual harassment is always regarded as a reason but not as consequence? The consequence of immoral female behavior at workplace or at any other place, for instance. As I

already mentioned there are different reasons why men are attracted by women. Thus, sexual harassment is a result of a sexual game between men and women. In this light one more disadvantage of Superson's view appears. She claims that catcalls, chicks names, Playboy demonstration are the examples of sexual harassment. Such utterance is also refutable. Catcalls on the street may be considered as a simple contempt towards people in general. In the same way boys can offend the old man showing their bad manners. Calling female students "chicks" can be the way of infusion into the youth environment and desire to become closer to students, their interests – that can probably improve the methods of education. For the same reason using Playboy posters in lectures is not considered as something out of the ordinary.

When a man is attentive to one woman and wants to seduce her in different ways (including illegal ones) it does not mean he wants the same with other women because at the moment his desire only includes that certain woman. I argued with Superson's comparison with racism because it also raises many questions. Racism is the belief that a particular race is superior or inferior to another on the basis of inborn biological characteristics. If someone is a racist, he or she hates the whole race not the particular person. Moreover, racist's hatred appears because of execration to other people whereas harassers' behaviour is based on feeling of sexual requirement or appetite or interest. Racism is the superiority of one race over another based on different reasons (skin color, culture, physical and character traits, morality or intelligence); sexual harassment can be considered as engagement of attention in case of improve self-esteem of a subject (harasser) towards an object (victim).

Superson presumes that women have different view on men than men do. She claims that men undress women with their eyes and see them as object of violence. But, in turn, on the first date women see men as future husbands and fathers of their children while men want just to have fun. It could also be interpreted as disrespectful towards males.

2.3 The Liberal Perspective

A Form of Coercion

John Hughes and Larry May consider sexual harassment as forms of coercion and discrimination.⁶ They understand sexual harassment as humiliation of one person by another, higher in status or possessing authoritative power in order to fulfil sexual needs. They divide this definition into two branches: the threat and the offer. The first one includes dismissal or punishment for insubordination (not consent to sexual intercourse).

6. Crouch 2001, 153.

The second one lays into encouragement (promotion) in the case of consent to sex. Both of these approaches are considered to be called quid pro quo harassment, bring harm and are coercive to women in general because of their disadvantageous position. Here is the difference in view with MacKinnon, who does not separate such kind of harassment and other like gender one, for instance. Such position is very similar to Superson's because all they treat women as a group rather than as individuals.

Moreover, here is the same claim as in Superson's critique which Crouch made – why is the attitude toward one woman can be applied as to all of them? In case of a workplace women are fall under harassment because of their personal appearance or other qualities. A male boss who threatens to fire his secretary if she does not sleep with him does not hate her as a woman. But in this case he should also hate his mother and sisters, should he?

Furthermore, Hughes and May affect only relationships at workplace between men and women. They consider that threats and offers are discriminatory to women, though not to men.

Crouch casts doubt on the first branch of this definition and I agree with her in most of the cases. First of all, sexual threats and offers do not allow women to be in a catbird seat. In both ways women are humiliated by the authority and stay powerless. But such situations can not only happen in relation to women and about sexual offers. The male boss can offer his male inferior a promotion, if he frames his colleague. Or a female boss threatens her female secretary to fire her if she does not find any provocative documents on competitors. In both situations people lower in status (not because of gender) suffer from disrespect and humiliation of their capacities.

While Crouch is more or less agrees with the second branch, I argue with it, because we now live in such a world where homosexual relationships are rather rare than common. Man does not treat woman and makes such offers to her because he has an appetency to her, not to man, because of his heterosexuality. It has nothing to do with a gender factor. Crouch in turn doubts about coercion and discrimination accounts: “If coercion is the primary harm of sexual harassment, then it is not clear that considering sexual harassment to be sex discrimination is the best way to address it.”⁷

Coercion can be applied not only to women, but also to men, and to children, and to the elderly. In this case, there is no reason to believe that coercion (harassment) can be considered a discrimination of women in particular.

7. Crouch 2001, 157.

Natural/Biological Perspective

This definition is given by Edmund Wall. His definition of sexual harassment Crouch comes with a natural perspective. I will explain it further. Wall's approach is grounded on the belief that sexual harassment exists because of the misunderstanding or as he calls it "wrongful communication". He offers four conditions under which a particular action can be considered as a sexual harassment (X – sexual harasser, Y – victim):

- “1) X does not attempt to obtain Y's consent to communicate to Y, X's or someone else's alleged sexual interest in Y.
- 2) X communicated to Y, X's or someone else's alleged sexual interest in Y. X's motive for communicating this is some perceived benefit that he or she expects to obtain through the communication.
- 3) Y does not consent to discuss with X, X's or someone else's alleged sexual interest in Y.
- 4) Y feels emotionally distressed because X did not attempt to obtain Y's consent to this discussion and/or because Y objects to what Y takes to be the offensive content of X's sexual comments.”⁸

The main idea of Wall's definition consists of inaccurate communication between people. Important fact here is that Wall calls X *he* or *she* – that means he does not draw attention only on relationships between men and women. Wall denies the idea that sexual harassment is a form of gender discrimination.

Wall adheres to the following idea: if all the conditions are met, then the act of communication can be considered as sexual harassment. The first condition is crucial because in case of non-compliance harasser fails to respect victim's rights and desires. The second condition is about always getting benefits from communication with victim. In the third condition the main idea is not to consent to participation in communication; in turn, it will not be considered as sexual harassment. The last condition “is necessary because Y's mental state is essential to genuine cases of sexual harassment.”⁹

Wall's main claim is that in order to avoid sexual harassment we need to have right communication. Moreover, he thinks that sexual behavior no matter physical or verbal can unconsciously be considered as intimacy or sexuality against one's will. Here Wall makes difference between genuine cases of sexual harassment and innocent behavior.

Crouch supposes that Wall's definition is again too narrow because it rests only upon communication. She gives different examples of when the given conditions are not satisfied.

8. Wall 1991, 374.

9. Crouch 2001, 159.

When an employer does not give an opportunity to build a career at work due to the fact that the female subordinate does not agree to have sexual relationship with him, it cannot be considered as sexual harassment according to Wall's definition, because it does not satisfy the first condition. Employer does attempt to communicate with his subordinate because he has sexual interest. If subordinate answers (yes or now - it does not matter here), then it means that she discusses the problem with employee. Here third condition does not work. Female subordinate is stress-resistant and she does not feel herself humiliated. Now this situation fails the last fourth condition. Thus, the case cannot be considered as sexual harassment because one condition is lacking.

Self-Respect (individual rights) and sexual inappropriateness

If Superson's definition is feminist, Drucilla Cornell puts in the forefront the notion of personality or individual. "...the potential erasure of the individuality of the person can come dangerously close to violating the degradation prohibition." ¹⁰ Cornell raises themes of individual rights which do not apply to gender. She gives few conditions on which the concept of individuality is held:

- “1) bodily integrity,
- 2) access to symbolic forms sufficient to achieve linguistic skills permitting the differentiation of oneself from others,
- 3) the protection of the imaginary domain itself.” ¹¹

It is worth noticing that Cornell claims that not only men can be guilty. Women are held responsible for men's reactions to them. She thinks that to avoid sexual harassment we need to become sexually free. That is why she gives those conditions. She also gives a clear definition of sexual harassment:

„[S]exual harassment consists of (a) unilaterally imposed sexual requirements in the context of unequal power, or (b) the creation and perpetuation of a work environment which enforces sexual shame by reducing individuals to stereotypes or objectified fantasies of their “sex” so as to undermine the primary good of their self-respect, or (c) employment related retaliation against a subordinate employee or, in the case of a university, a student, for a consensually mutually desired sexual relationship.“ ¹²

Crouch proposes some merits of Cornell's view. The clause a) is similar to MacKinnon's and Superson's statements about power. Cornell compares this approach with quid pro quo definition and talks about unequal power and rights. First of all, she changed 'unwanted' to 'unilaterally imposed' that makes us understand that she distinguish between desired sexual relationship and one with is against someone's will. Secondly, the phrase 'unilaterally imposed' does not make clear who is the initiator of sexual act. Thus, we cannot blame men in being harassers.

10. Cornell 1995, 225.

11. Crouch 2001, 163.

12. Cornell 1995, 170.

The clause b) claims about personality but not gender. Until people are no longer divided into males and females, sexual harassment will exist. The division of people depending sex does not reveal the essence of a person and his qualities. Her last clause c) is about power. She claims that it is wrong to abuse power because otherwise there is no dissolution of sexual harassment.

Crouch does not call Cornell's conception too narrow but conversely considers it is too broad, "including adherents of the dominance perspective".¹³ Her main mistake is fragmentation of the whole given concept. She claims about different kinds of sexual harassments but all they involve different harms. For example, Crouch says that legislation of sexual freedom is not an obligatory factor for personhood.

I do not agree with Crouch in this aspect because some of Cornell's statements are close to Christensen. For instance, the division of people into female (who are considered to be weak victims) and male (who are considered to be strong predators) will not give equality for women until they stop to behave like victims.

Although another philosopher who Crouch talks about in her book, Nancy Davis, proposes to break up the notion of sexual harassment. She claims that all presented examples in previous definitions can be considered as sexually inappropriate, but we cannot affirm with assurance that such behavior is sexual harassment. The reasons for harassment can lie deeply in psychological consciousness of human being. To say that he or she is a harasser and presume that his or her behavior can be a sexual harassment we need to examine this from all the points of view – moral, psychological and practical.

2.4 Sexual Harassment Is Not a Legitimate Concept

The last definition of sexual harassment which Crouch detected is described by F.M. Christensen and Mane Hajdin and lies in the fact that "the concept of sexual harassment is morally insignificant and not a legitimate concept"¹⁴. The main aspect of the latter position lies in fact that it is needed to distinguish the severity of actions: "It lumps together serious crimes, minor offences, and actions that are arguably not wrong at all"¹⁵.

13. Crouch 2001, 165.

14. Crouch 2001, 166.

15. Cornell 1995, 166.

The first Christensen argument against the notion of sexual harassment is that the concept of sexual harassment includes different kinds of behavior which can be very wrong, a bit wrong or even right at all. For example, rape or racism mentioned by Superson. Rape is a serious physical and moral damage to people, racism is hatred to other nations often characterized by violence and murders whereas unwanted sexual harassment is incomparable. Thus, there is no need to mix those concepts.

Christensen claims that all actions which are considered as sexual harassment should bring the same harm or be the same wrong as others. In other words, the harm that rape brings to people is not the same that sexual harassment can bring. For example, the harm and the circumstances of the humiliated by her employer employee must be the same as of students who were shown Playboy poster during the lectures by medical instructors.

The second argument is about sexual behavior. He considers that it is wrong to call actions sexual harassment just because it involves “sex”. That is similar to what was mentioned above – if a man makes vulgar jokes on women it does not mean there is any rationale behind – probably he does not know how to joke. Here Christensen puts forward such notion as “sexual frankness”, which claims that there is nothing wrong in situations when people can freely speak about their sexual desires.

Mane Hajdin's definition is similar to Christensen's one. They both argue with Superson's view again that sexual harassment is a discrimination of women. But unlike Christensen Hajdin still thinks that there is illegal sex discrimination when sex harassment has a hostile context (when one sex deliberately hurts the other sex). For that reason she is against quid pro quo sexual harassment (when senior asks for a sexual favour his/her subordinate and promises promotion if he/she agrees; in the case of refusal the senior threatens to fire the subordinate) because it does not involve telic harm to women. Together with Christensen she claims that such sexual behavior at work occurs not because of purpose of harm but sexual desire.

To sum up, it is needed to say that both of these philosophers do not deny the sexuality of women because like men they are human beings with their desires, needs and essence. Christensen, for instance, thinks that women are traditionally considered as sexual objects and mothers. Their feministic struggle for independence led to such consequences as sexual oppression.

Crouch mostly agrees with the aforementioned definitions. She supports the claim that some definitions of sexual harassment including different behaviors are not examined in court. For example, the case with posters “Playboy” magazine which lecturer used during the class. But Crouch criticizes the Christensen's point about free sex talk, because in today's society when woman talks about sex in public such behavior is considered as morally wrong and humiliating for that

woman. Some women really suffer from men's perseverance at work because some of them have to quit jobs and some agrees for relationships in order not to lose their jobs.

I generally agree with the definitions of Christensen and Hajdin except the point of their unreality. I suppose to think that such behavior where women and men can freely talk about sex and have the same meaning of this conversation is nowadays impossible. As women are traditionally partners and mothers, men are “beasts” whose main desire is “to feed sexual needs”. We live in such a society where women with a lot of partners are considered as sexually promiscuous and men having a lot of women is a hero and macho. Thus, Christensen's and Hajdin's definitions are on the one hand true and unreal on the other.

3. "Sexual harassment" Must be Eliminated

The question – why sexual harassment is such a hot topic to discuss – is raised a lot among philosophers, social activists and in society in general. In his article “SEXUAL HARASSMENT” MUST BE ELIMINATED¹⁶ F. M. Christensen reveals a very unusual approach which we are going to examine. First of all, I would like to present Christensen's reflections. Secondly, I am going to examine his views and emphasize strong and weak positions and my own opinion. If to be brief, he condemns other approaches and argues that this concept includes not exactly what others want to include in it.

In order to better understand his thoughts we need to clarify that Christensen says about „sexual harassment“ as such. He divided the explanation of his view into three themes, each of which consists of explanation of this notion from different points of view.

3.1 “Sexual harassment” Is a Violation.

Christensen identifies the reasons why this notion being such a hot topic these days and why it is bad. Firstly, he claims that sexual harassment is considered to be wrong only because it includes sex. Let us imagine the situation when a man called Ross is married to a woman called Lane, who is not handled at all by his parents and relatives. Consequently, they all try to make her life a living hell: they make glib remarks about her cooking abilities (or disabilities), mother-in-law every morning comes to their room without asking just to open the door, and they antagonize him. Sooner or later, she may become resentful or something worse. Can such behavior be considered as harassment? If yes, then should it be called as “family harassment”?

The same humiliating and probably even moral hounding take place in the family of Ross and Lane but without sexual aspect.

Secondly, Christensen supposes that too many conditions are included in one term. In other words, he thinks that sexual harassment is too wide notion to mix it in one. There are some reasons why sexual harassment cannot be called violation. One of them is that there is no criminal offence for jokes, proposition or passing comments.

16. Christensen 1994, 1-17.

Let us consider some examples. In Russia there is no separate provision which punishes for committing harassment. The only one is №133 of The Criminal Code about incitement to sexual acts with the help of threats. In Estonia harassment is considered under the case of act by the law of gender equality on the basis of the 4th subsection of 107th provision of the Law on the Government of Republic.

Another reason why this (as Christensen calls) “pseudo-concept” have been put in the first place is antisexualism. People still consider sex something degrading and insulting, while it is an integral part of a person's life. Although we should not forget that having sex is one of the lowest human needs, as well as nutrition and sleep. However, to live without it is possible since sex has always been a way of reproduction.

Sex is so humiliating that it is not even polite to talk about it that runs counter to the freedom of speech, for instance. Of course, “... reckless or malicious speech can hurt – often, more than a physical attack”¹⁷ but this refers more to moral aspect, the problem of misunderstanding and disrespect.

One more reason of antisexualism is a sexual frankness which is a bit similar to sexual talks. In the context of workplace there could be some rules which are not allowed to be broken. For example, there is a company with a set of rules which regard to the behavior in the office. It includes dress code, ban on the use of social networks, office romance and the ban of „any non-work-related topics of conversation, from one's children to the weather”¹⁸. But that are rules of the private company and you decide whether to work there or not.

The other context of sexual frankness is your own private space. But again if you work in a society where you have to cooperate with other people, you have to be ready that sometimes your free space will be broken by the colleague who bends over in front of you to take their paper clips. “...when the behaviour in question is not objectively harmful, no one has a moral right to make oneself out to be a victim and the other person a criminal“.¹⁹

To sum up, Christensen explains why he thinks “sexual harassment“ as it is considered non valid. It inherently leads to the loss of intellectual honesty, responsibility and principles of morality because jokes and conversations about sex are not worse than a talk about any other aspect of human's life.

17. Christensen 1994, 4.

18. Christensen 1994, 5.

19. Christensen 1994, 6.

3.2 “Sexual harassment” Is Sexist Discrimination

Here we are going to discuss Christensen’s view on discrimination. The most interesting fact is that he does not speak about discrimination of women, but men or as feminists call them – sexists. His view is based on paradoxes and absurdity of the feministic views.

First of all, let us start with what Christensen calls discrimination. He distinguishes 3 kinds of discrimination – an individual and racial. The first one is “to treat some person or persons unfairly or unjustly vis-a-vis someone else”. The second one is to do the same but on the basis of hate to the race – in other words, racism. Some feminists (as we have already mentioned) like Superson find no differences between racism one and sexual discrimination. Here Christensen considers the word “sex” as gender, which now is not often used. And here we meet the first problem – if we speak about gender discrimination we cannot speak only about opposite gender because men can unfairly treat either women or other men in case of homosexual relationship or personal aversion. We can not speak about sexual discrimination only in case of relationship between male and female. Otherwise, “bisexual “harassers” are not guilty of discrimination on the basis of gender – and hence not in violation of civil rights legislation forbidding discrimination on that basis”.²⁰

Christensen’s reason for such a sexism is considered to come from a long-entrenched position that women are historically weaker than men and their purpose and function are to bring up children and maintain peace and order in the house. When women wanted to be free and independent they had to know about consequences it brings. Here we meet the second problem - “vicious falsehood”. If it is needed to bring home some heavy bags from the shop – women are women, to make silly joke about her appearance – women are women, you have to be polite, but when it comes to work or politics – woman is a person.

Another aspect mentioned by Christensen in this paragraph is about women's attitude to men. “It is the claim of certain extremist feminists, who say that all or nearly all men who utter casual comments about sex are doing so in order to degrade or threaten women”.²¹

Generally, this statement looks like an egoistic expression of the sick ego. Why does everything have to be all about them? Although it is not scientifically proven that men are weaker in case of containing their feelings and sexual desires, it is a fact that their sexual emotions are physically visible in most cases. But it does not mean everything they do has the sexual or humiliating implication.

20. Christensen 1994, 9.

21. Christensen 1994, 10.

Christensen comes to the defense of men, who suffer from women's fickleness. Here comes one more problem or how Christensen it calls "double standard", which he uses to show why sexual harassment has nothing with the term of discrimination. "...treating woman the same as men in regard to sexual frankness is seen as treating them worse, discriminating against them".²²

He cites the example about the nickname of a male athlete called "joke", which comes from an old name for a penis - "jockstrap". This joke turns up in a family newspaper, while jokes about female sex organs are considered to be humiliating and offensive. To analyze the "double standard" statement let us present the following facts.

- 1) Girls have been taught since childhood, that they are weak and gentle.
- 2) At the same time little boys know from an early age, that it is not allowed to offend girls because of the mentioned reason.
- 3) Because of having to be strong all the time, it is quite hard for boys (subsequently men) to feel shame toward anything. That is why we know that "Men never cry" or if they do, it is a "single-tear".

To sum up these facts, I think, it will be honest to say that in some instances women are more hateful than men. Pretending to be weak, they may need to deny freedom and power. Conversely, they may fight for their rights relying on differences between men and women. "As long as women are given special protection from trivial things [...] rather than having to stand on their own feet, they will remain the hothouse flowers they have been raised to be".²³

To continue the talk about "double standard" Christensen suggests another examples. This one is about excessive women's confidence that men harm to women and girls which can be considered as discrimination against men themselves because "they [women] constantly produce serious injustices against individuals, the great majority of whom are male".²⁴

22. Christensen 1994, 10.

23. Christensen 1994, 13.

24. Christensen 1994, 13.

Christensen claims that men are usually the ones, who intend to be the initiators of any relationship. It is believed, that women should not show men their appreciation first because from their point of view it looks frivolous. For the same reason it is not polite to have sex on the first date. At the same time it is generally believed that women have to draw attention to men, otherwise, they are doomed to be alone till the end of their life. Here Christensen asks a silent question – for what reason they spend money in expensive boutiques, beauty salons and plastic surgery? To feel themselves beautiful? Probably yes, if they are not confident enough to feel yourself pretty having their natural beauty.

Thus, women's “wearing of revealing clothes”²⁵ should be perceived as humiliating for men as men's courtship for women. “...the methods generally used by men to express sexual interest are considered punishable, those used mostly by women are not”.²⁶

After giving examples that sexual harassment cannot be considered as discrimination, Christensen claims that “sexual harassment” causes harm to both women and men. Thus, he wants to show that there is no discrimination against only one gender. Women forgot about one of their main purpose – to give birth. In the struggle for justice, they lose all the most kind and warm feelings, they lose their soul. Becoming angry at the whole world, they cease to look after themselves and then are no longer attractive to men. When asking a childless woman who lives without a husband, what she regrets the most in her life. And everyone will answer that most of all she would like to turn back time, get married and have children.

Christensen claims that “both men and women care more about the pain of others who are women”²⁷ and encourages to respect each other. Otherwise, sexual harassment will exist.

“Men and women must come to understand each other better. And in general, the best way to do that is by decreasing the differences in their life-experiences – not increasing them by reinforcing the old double standards”.²⁸

3.3. “Sexual harassment” Is a Serious Societal Problem

Christensen divides societal problem into two parts. Both of them characterize problems that have appeared in society since “sexual harassment” was accepted. He, firstly, assumes that the problem is deep inside in people's relationship and society. Because of the women's provocation, powerful men who are authorities may face a loss their workplaces, their private information is released, while they could change the world for better by doing their job.

25. Christensen 1994, 14.

26. Christensen 1994, 14.

27. Christensen 1994, 15.

28. Christensen 1994, 16.

Secondly, Christensen argues with the statement that women have no power or less than men do. Women can refuse, they can choose between all men on the planet; because of their weakness men will cater to their wishes. Finally, he talks about injustice in society. "...it [injustice] represents the greatest violation of freedom of speech to emerge in decades".²⁹

At the end Christensen proposes some solutions to the problem of misunderstanding between men and women. He thinks that this is one of the reasons why the notion of sexual harassment still exists, and the solution is on the surface:

- 1) Men and women have to solve the problem in a hasty manner. In other words, they have to deal with ALL the kinds of conflicts – from jokes to unacceptable behavior. "...man and women trained to deal with delicate human conflicts without the inquisitorial face and victim-victimizer mentality...".³⁰
- 2) It would be worth solving the problems that really require intervention and global discussions like "real racial and gender discrimination".³¹
- 3) Real crimes and harmful behavior have to be "handled by the criminal and civil law".³²

Christensen wants to show that not everything that some would consider immoral and wrong can be considered wrong in fact. That is why we need to be rational and look at the both sides of the argument.

3.4 Analysis (author's views and complaints)

In fact, I mostly agree with Christensen and his point of view but at the same time there are some statements that I could call into question. Let me describe some of them broader.

First of all, Christensen claims that we need to distinguish different kinds of harm that harassment can bring in general. This is the first strong position of his view. I agree with this because it is standard practice to emphasize SEXUAL harassment and include all the harmful behavior in it.

Let us imagine the following situation: your boss is constantly dissatisfied with your work. Whatever you do, he considers worthless and useless. Upon his request you redo the annual report several times, because every time he finds a silly reason because of which all your work is going right down the drain. He chastises you in front of all employees, some of whom are your subordinates. He humiliates you on every occasion.

29. Christensen 1994, 17.

30. Christensen 1994, 18.

31. Christensen 1994, 18.

32. Christensen 1994, 18.

Now we are going to examine this situation from different points of view depending on different conditions. Firstly, I do not mention the sex of these people. Let us consider four options: 1) boss is a man, employee is a woman; 2) boss is a woman, employee is a man; 3) both of them are men; 4) both of them are women.

- 1) According to such scenario all feministic narrative will agree that this is an example of humiliating of women – man is a woman hater and tries to do everything to show it. Fair enough, but let us consider that this man is a scoundrel or simply a pedant. In one situation he hates human beings in general, in the second version he adores his job so much, that he wants everything be perfect. In any case he hurts *woman's* feelings; he undermines *her* dignity; he does not give a chance for *her* to find fulfilment in career. Or he wants to make *her* stronger and adapted to stressful situations because he is responsible for *her* as a boss.

From the one point of view it is pure harassment. But not sexual, because it does not include any sexual motives like sex proposal or other dirty preconditions. Then it is gender harassment (discrimination) if he hates women in general. On the other hand it is not harassment at all, just a strict management.

- 2) Considering the view of feminists again – they will claim that after women got their freedom and independence they are allowed to behave with men on equal grounds. That leads us again to a few options. According to the first one, she is a strict boss who wants her company be ideal; she wants her staff works hard and be competitive with other business sharks. But the other version shows us “dark side of the moon”, which Christensen talks in his article about – the capability of women to be hateful, and here the double standard appears. From the strong independent woman's point of view she is definitely right doing her best at the workplace. But is not it a humiliation of a weaker person (man) from the other side? She hurts *his* feelings, she undermines *his* dignity; she does not give a chance for *him* to find fulfilment in career.

This example can shows us again pure harassment, again not sexual but gender one where women hate men. Or we cannot call it harassment because she just does her work.

- 3) If those people are both men, we can suggest the only one already mentioned option, that one of them is more determined. He wants his business be stronger and subordinates obedient. Even though he, indeed, humiliates another person and behaves immoral, nobody will consider it as harassment because it does not involve the pure context of harm. Two men should run the situation between them, because it is not a common practice to get in the middle of a tense situation two males' fight.
- 4) If those people are both women, again this is an example of the situation where one

individual is more aggressive, stronger and another one is soft, tender or insecure. We cannot talk here again about harassment because usually such options are not considered in such case.

Last two scenarios are similar to each other – the difference is only in gender. Generally, the only one thing that makes all situations different is gender. That is why Christensen argues about the concept of sexual harassment and considers it from the language point of view. He claims that “sexual harassment” is acceptable only from the point of *sex* as romantic relationship while another meaning is not often used in variety of context:

“...having to do with erotic desires and associated behavior (as in the phrase “having sex”) vs. having to do with the general differences between males and females (as in the phrase “the opposite sex”). Many these days escape the ambiguity by using the word “gender” in the latter case.”³³

Second strong Christensen's position which in my point has to me mentioned is substitution of notions – the problem of harassment is more the problem of morality and disregard. I assume that everyone is responsible for his/her own life. If a boss threatens to be dismissed (if you do not fulfil his/her dirty desires), it is better to resign yourself from this department. Anyhow there is no bright future in the company with such a chairman, but giving your consent you are not allowed to make claims. The analogy can be made with biblical motive: either angels or demons can not insist on you to do something good or bad, but they can influence on you. Imagine two creatures on your shoulder – angel suggests making a right decision, demon from the other side suggests making a wrong one. But eventually you are the one who decides. Martha Nussbaum once said about sexual assault:

“Law cannot fix problem. [...] What can women do? Don't be fooled by glamour. Do not date such men, unless you know them very, very well. [...] Focus on your own welfare, and in this case that means: forget the law.”³⁴

If there is such advice for a real crime, namely rape or sexual assault, thus, before making a decision think twice and let it go if it does not suit you.

Here again we have to deal with double standards which we were talking about in the previous chapter. Women who fight for independence, freedom and equality at the same time want to appear themselves weak and defenceless especially when it comes to romantic relationships.

33. Christensen 1994, 8.

34. Martha Nussbaum on sexual assault,

<https://feministphilosophers.wordpress.com/2016/01/17/martha-nussbaum-on-sexual-assault/> Last visited 14.05.2018.

One of the reasons mentioned by Christensen why sexual harassment is so popular theme today is the conservative views. This is the third strong position. He mentioned the fact that nowadays “sex is debased and debasing unless “redeemed” by something noble (love, art, etc.)”³⁵ I would argue about that. I think that today's society is so spoiled and neglected that it seems like there is nothing sacred. Especially youth is very avid on what is forbidden. They do not hesitate to kiss in public places, they feel free to keep groping each other, they even can have sex in the night club or library. I do not think it is that bad, because they express themselves. But while doing it they do not even realize that such actions could be immoral or wrong. Their level of upbringing does not allow them to understand why such behavior is bad. Moreover, they watch porn, go to strip clubs and support the LGBT movement. They feel free in their actions and do not feel responsibility for what they do.

In any case, sex as an act is a way of reproduction or having physical pleasure. That is why Christensen's arguments about expression of different feelings are led to failure because of no justifiability of the initial statement.

In my opinion the fourth position is one of the strongest among all which Christensen considered. This one is about the sexual talk. According to the latter statement about shame context of sex, Christensen points out the consequence which feminist support. If having sex is itself humiliation, then sexual talk is prohibited in order not to provoke unwanted actions. But from the legislative point of view such argument is pointless. There is a punishment for a crime. According to Collins English dictionary, crime is an illegal action or activity for which a person can be punished by law. Thus, rape is a crime. Sexual talk or any other manifestation of “sexuality” in colloquial speech between colleagues or simply friends such as vulgar jokes or compliments cannot definitely be considered as any kind of crime. If so, this will be contrary to the law on freedom of speech.

“...notice that genuine stereotyping and sex-role affirmation are legally protected on grounds of freedom of speech, whereas sexual harassment is not; clearly, the reasons for punishing sexual openness as sexist discrimination do not include its alleged tendency to reinforce roles and stereotypes.”³⁶

One more strong Christensen's position is about people's perception. They can find something violating in such situations where there is actually no violence at all.

“...repeated scientific surveys in the past 20 years have found much less violence in pornography than in the entertainment media in general – less even than in “family” movies – yet these people have successfully promoted the belief that massive violence occurs there.”³⁷

35. Christensen 1994, 3.

36. Christensen 1994, 10.

37. Christensen 1994, 6.

In 2012 there was a big scandal in Russia about prohibition of children's cartoons.³⁸ A rumor was launched that the Ministry of Culture of the Russian Federation banned the display of the Soviet cartoon “Nu, pogodi!” allegedly on the basis of the law "On protecting children from information that is harmful to their health and development". “Nu, pogodi!” (which is hardly translated but it is like “Wait or I'll crush you!”) is a cartoon in the series, telling of the hard relationship of a wolf and a hare. The analogy can be drawn with the American cartoon “Tom and Jerry”, where the cat and the mouse “are sorting out the relationship”. In the press there was information that the aforementioned Soviet cartoon cannot be watched by children because of scenes of smoking and violence. In society, of course, there was a riot. Russia is still considered as a country with conservative values, where most people respect senior citizens, give way to pregnant women and the elderly in buses, and are also very wary of homosexual relationships. Therefore, the fact that the beloved cartoon, on which the population was brought had to be banned stressed everyone out. In childhood, it was also my favourite cartoon, a quotation from which I still use in everyday speech. But have you ever thought that “Tom and Jerry” harms the children's psyche if most of the time they even do not understand the sense of the plot?

Later, of course, information about the ban was refuted by The Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Communications (in Russia - Roskomnadzor), but the sediment stayed. This example shows how is people's mind is perverted that they see violence in children's cartoons while real danger is sometimes at hand.

“The upshot of all this is that “sexual harassment” is indeed a violation. The very concept is a violation of the principles of intellectual honesty. It is also a violation of the principles of morality: jokes and requests and comments involving sex are no more evil than are those involving any other aspect of the human condition.”³⁹

Throughout his work, Christensen induces the reader to the fact that the notion of sexual harassment must disappear from our society. In order to prove this point, he cites a number of arguments, which we have already considered. Christensen's last argument is a refutation of the claim that sexual harassment is discrimination.

38. Почему запретили показывать “Ну, погоди!”

<https://www.kakprosto.ru/kak-809411-pochemu-zapretili-pokazyvat-nu-pogodi> Last visited 20.05.2018.

39. Christensen 1994, 7.

I fully endorse his arguments and here are my points:

- 1) Women (namely feminists) must be firm in their convictions. If they want to have the same rights as men do, they need to have the same duties.
- 2) Females (feminists) should not be selfish and consider that the whole world is against them.
- 3) Not all women are the same. In Israel, all women are liable for military service. They know how to use weapons and are well-trained physically to be ready at any time to defend their country and their people. They do not complain about mistreatment towards them, because they wash barracks and work off their faults equally with men. Can it be concerned an equality?
- 4) If you (feminists) think men are responsible for your sexual relationship and have to start first with dates, flowers and complements, you do not have to be offended if they do something wrong. You probably have to teach them and tell about your desires.
- 5) Do not pay attention if you do not want to be noticed. There is no need to wear skimpy outfits at a workplace and then accuse male colleagues in bad staring at you. It is in my opinion at least impolite and dishonest.

To sum up, I would like to mention that, no matter how someone behaves, everyone has to control his/her own behavior. If women are so involved in “sexual harassment” men have to think twice before asking for a date. Probably after saying cherished “yes” she will sue for sexual harassment.

4. Imaginary Discussion

Now it is time to imagine all mentioned philosophers meet together in discussion. What would they tell each other and what arguments would they present? Further I will propose some answers for this question according to what we have already learnt about their views. As I took Christensen's side, I would like to compare his statements with other views. I am going to start with the first philosopher who was presented in this thesis – Margaret Crouch. She mostly agrees with Christensen's arguments and claims that “...raised questions help to specify what such a definition must do.”⁴⁰ After that I will try to find some differences and similarities in views between Christensen and Cornell. Then I will present similarities and differences between Christensen and Wall, which Crouch also compared. The last one will be Anita Superson because while reading Christensen's article I found interesting arguments which can be compared with her views.

4.1 Points Of Contact

First of all, Crouch agrees with some of Christensen's arguments:

- 1) It is hard and problematic to estimate sexual harassment in case of legal point of view. But at the same time sexual harassment is always considered as harm, which is illegal and immoral. While writing my thesis I asked Margaret Crouch questions about differences between law and moral and how they should interact. She said:

„Logically, morality comes before legality. So, some theories of law are based on harm to the individual. Laws against sexual harassment slot the offence into existing legal structures, which conceptualize the wrong of the act according to pre-existing structures. We need the philosophical point of view for the existence of any laws.“⁴¹

- 2) When it comes to something sexual, the questions about morality are always raised. “He is right to point to the tendency in American culture to intensify the moral tone whenever sexuality is involved.”⁴² We need to see both sides and examine some situations without sexual interpretation. That is the way how to understand people's behavior in other different situations. “He is also correct that we should look at comparable actions that do not involve sex, to see how we regard them.”⁴³
- 3) If men are so morally wrong and seek to humiliate and insult, why do they do it only towards women? It seems like narrow thinking which is similar to preoccupation. The same that Christensen mentioned about women's solicitude about themselves.

40. Crouch 2001, 173.

41. Personal correspondence with Dr. Margaret Crouch.

42. Crouch 2001, 169.

43. Crouch 2001, 169.

But despite having agreed with Christensen, Crouch finds his view too ideal to exist in the real world. She claims that many women have to quit their jobs because of men's immoral behavior. We can endlessly speak about this problem but it still exists. Christensen would not agree with this. Because according to his arguments, people choose whatever they want. If women quit jobs, it means they cannot stand for their rights. Or it is probably better to quit the job where you do not have any perspectives and career advancement. The same is with quid pro quo sexual harassment. Do not succumb to provocation, do not be tempted by the benefits you may get.

At the end of Crouch's article she notes that Christensen rose very important problem about determination of sexual harassment legitimacy. "The moral definition should be clearly differentiated from the legal definition: It is not required that all instances of a moral wrong also be illegal." ⁴⁴

4.2 A Battle Of The Sexes

While Drucilla Cornell is proposing different conditions for sexual freedom and putting on the basis of her view the statement that "gender is not essential to sexual harassment" ⁴⁵, Christensen would consider such view as an absurd because in that case women's reproaches and prosecutions are washed away. Christensen would argue that gender or sex on the contrary, plays huge role in this notion. That is why only harassment towards women is taken so seriously and nobody speaks about same gender harassment or harassment towards men. Thus, according to Christensen "minimum conditions of individualization" ⁴⁶ are not sufficient if women fight for being individuals and treating them like men.

Moreover, Cornell's position could be considered by Christensen as egoistic because she claims: "We should be able to dress as we please, drink when and what we want, flirt when we feel like it, and still be accorded the primary good of self-respect". ⁴⁷ It is a very convenient position – give me everything I want and I will do whatever I desire without any responsibility. If you decide to behave the way you want, you have to understand that permissiveness is not allowed. Even if it is, you have to be ready for retaliatory actions.

44. Crouch 2001, 173.

45. Crouch 2001, 164.

46. Crouch 2001, 162.

Despite the differences that had existed between two philosophers, there is one degree of convergence - "women are held responsible for men's reactions to them".⁴⁸ And even though women are historically treated as continuers of procreation, emancipation gives them rights and responsibilities. And they have to follow the rules of society.

According to Christensen, in order not to impede free sexual development, men and women need to negotiate. Women should stop putting so much emphasis on themselves and reflect not only on their rights, but also on what rights men have. In divorce in 90 percent of cases, children remain with their mothers, because historically it is believed that the mother is the only one who is capable of raising a child. Men can do nothing with this because children have to stay with their mothers. But if a man wants his children to be with him, he acts. Especially, if his ex-wife does not have the ability to take care of the child psychologically or physically. For instance, she is drug- or alcohol addicted, mentally ill, unemployed or leads an immoral life. The same applies to women. But all mentioned conditions shall be established by legal process on the basis of law. In this case gender does matter.

4.3 No Racial Discrimination

The main dissension between Christensen and Superson lies on the fact of racial discrimination. Superson compares sexual harassment with racism which cannot be equated according to Christensen. In the first part of the thesis I have already explained Superson's view and my opinion to this which lies in the following claim: racism is expressed in doing harm to people, insulting their beliefs and culture. There is no pure evidence that all men, who harass (if they actually do) women hate them. Christensen has a strong opinion about that:

"There is also the useful concept of de facto racial or sexual discrimination: treatment on unfair grounds other than race or sex, but in circumstances such the members of one race or sex are disproportionately harmed by it."⁴⁹

47. Cornell 1995, 171.

48. Crouch 2001, 162.

49. Christensen 1994, 8.

Christensen would argue that there is no discrimination in general because if someone does something in different way it does not mean discrimination. I start eating banana from the bottom chipping away the black tip and remove the peel. My husband in contrary starts with the beginning – he breaks off the stalk and after that removes the peel. Of course, women are not bananas. But this example shows the difference in behavior or habits. You love your dog, walk 3 times a day, wash 2 times a week, play every hour; another person loves his/her dog, but walks and feeds only 2 times a day, washes once in a month and seldom plays – it does not mean the latter hates the dog. There is no discrimination in such a negative sense as women consider men have towards them – just different treatment. “...to discriminate is simply to differentiate in some manner: to treat, in attitude or in behavior, one person or thing differently than another”.⁵⁰

Christensen does not compare sexual and racial discrimination because of their huge difference: “Racial discrimination consists in treating someone unfairly because of his/her race...”⁵¹

4.4 The Power Of Sexuality

MacKinnon's main argument is based on “a misuse of power”.⁵² Men are physically stronger, thus they harass women – simple logical chain. “Male dominance is sexual. Meaning: men in particular, if not men alone, sexualize hierarchy; gender is one.”⁵³ Another two argument to the support of sexual harassment are gender and economic oppression. Christensen would argue with such a formulation of the problem.

First of all, harassment is not violence. We cannot compare an innocuous touching with unwanted sex. Again, if man touches his female colleague's hand while standing in the cooking block, it does not mean he harasses her. Probably, he likes her and wants to start dating. We do not consider here such situations like putting woman on the floor and holding with force, try to kiss her.

Secondly, there is no gender discrimination in this context because of the arguments mentioned in the debates with the previous philosopher. Gender discrimination has to be expressed towards different sexes, whereas we are discussing only harassment towards women.

Thirdly, if women express the desire to be economically independent, they have to accept consequences. Otherwise, we see the pure injustice and double standards which have been already mentioned previously in this thesis.

50. Christensen 1994, 8.

51. Christensen 1994, 8.

52. Crouch 2001, 142.

53. MacKinnon 1989, 317.

Nevertheless, Christensen and MacKinnon have kind of a touchpoint. MacKinnon also distinguishes sex and gender notions.

“As much a sexual theory of gender as a gendered theory of sex, this is the theory of sexuality that has grown out of consciousness raising in the women's movement.”⁵⁴ Catherine A. MacKinnon agrees that all these theories exist because of insatiable feminists want more.

54. MacKinnon 1989, 317.

5. Conclusion

The main purpose of my thesis was to show the differences in definitions of sexual harassment and why I consider this notion too far-fetched on example of F.M. Christensen's point of view. My task was not to present one more theory or definition, but to support the statement that the notion of sexual harassment gets too much attention.

To back up this reaffirmation with supporting evidence, in the first part of this thesis I examined different definitions and gave them my own assessment. Providing variety of simple examples I tried to show inadequacy of these views. I analyzed their criticism, strong and weak points. Summing up the results, I want to indicate the main points of agreement with the philosopher F. M. Christensen.

Firstly, sexual harassment is not that bad as it is presented. Harassment has nothing to do with violence. It is not even the kind of it or synonym. Moreover, it is hard to determine its boundaries. One action can be viewed from different positions by different people. There is no objective and only-begotten definition of sexual harassment. There is no even clear legal context as it is for rape or murder.

Secondly, sexual harassment does not bring harm for women until they do not want it themselves. Usually it happens, that women use men for their own purposes, manipulate and seduce them. Why are all these attacks and accusations concentrated only on one side of the problem? Why does no one view this as a feminist insidious move to get rid of mostly male run society? Thus, it does bring only benefits. Otherwise, harm brought by sexual harassment is not clear. If one kills another one, the harm is obvious - deprivation of life. There was a man, and there is no man - it is called murder. What is the obvious harm from sexual harassment? It may be losing a job in some cases. In that case it would only make sense to leave and find another one, because there is no future at such a workplace, where any man wants to abuse you.

Thirdly, even if sexual harassment exists, not only women can be victims. We do not talk about men harassed by women, or women harassed by other women, or men by other men. It looks more like preoccupation than struggle for rights and freedom.

Fourthly, there is no need to harass women if there is an opportunity to ask. Here rises the problem of misunderstanding, the problem of differences between men's and women's mind. Men's touching and making a compliment could be considered as harassment as well as women's "no" could be considered as "yes".

To summarize everything what is mentioned in this thesis, I claim that everything is in mind and everything depends on our personal perception of the world we live in. Unless people learn how to harmoniously exist in this world, such notions and issues as sexual harassment, racial and sexual discrimination will appear, exist and be the reason for discussions and writing such papers.

List of references

Christensen, F. M. (1994). "Sexual Harassment" must be eliminated, *Public Affairs Quarterly*, 8 (1): 1 - 17.

Cornell, D. (1995). *The Imaginary Domain: Abortion, Pornography and Sexual harassment*, Routledge, London, pp. 167 - 231.

Crouch, M. (2001). *Thinking About Sexual Harassment: A Guide for the Perplexed*, Oxford University Press, New York, pp. 141 - 174.

Dalmiya, V. (1986). Why Is Sexual Harassment Wrong?, *Journal of Social Philosophy*, 30 (1): 46 - 64.

Feminist Philosophers, Martha Nussbaum on sexual assault, URL = <https://feministphilosophers.wordpress.com/2016/01/17/martha-nussbaum-on-sexual-assault/>.

MacKinnon, C. A. (1989). Sexuality, Pornography, and Method: Pleasure under Patriarchy, *Ethics* 99 (2): 314 - 346.

Paul, E. F. (1990). Sexual Harassment as Sex Discrimination: A Defective Paradigm, *Yale Law & Policy Review*, (8): 333 - 365.

Superson, A. M. (1993). A Feminist Definition of Sexual Harassment, *Journal of Social Philosophy*, 24 (1): 46–64.

Wall, E. (1991). The definition of sexual harassment, *Public Affairs Quarterly*, 5 (4): 371 - 386.

Почему запретили показывать "Ну, погоди!", URL = <https://www.kakprosto.ru/kak-809411-pochemu-zapretili-pokazyvat-nu-pogodi/>.

Abstract

The topic of this thesis is based on the extraordinary view of F.M. Christensen that the notion of sexual harassment must be eliminated. This thesis includes three parts. To examine this concept the author decided to analyze other philosopher's points of view. Thus, in the first part definitions of sexual harassment by Catherine MacKinnon, Anita Superson, John Hughes and Larry May, Edmund Wall, Nancy Davis and F.M. Christensen are analyzed. An analysis based on Margaret Crouch revealed, *inter alia*, that the weakness of their views is based on the fact that most of them are feministic and related to harm only towards women. At the end of each paragraph the author gives analysis of the view accompanying with her examples and opinion. In the second part the author describes Christensen's point of view and expresses her own opinion about his theory. Christensen denies that sexual harassment is violation, discrimination and serious societal problem. He claims that sexual harassment is too far-fetched notion which does not bring real harm as murder does, for instance. Christensen argues that sexual harassment discriminates women, because he considers this position egoistic. The third part is dedicated to distinctions between views of mentioned philosophers. The author tries to find the arguments of Crouch, Cornell, Superson and MacKinnon on Christensen's views. This paper ends with conclusion where the author to a considerable extent expresses her agreement with Christensen.

Resümee

(“F. M. Christenseni "seksuaalse ahistamise" kriitika”)

Käesoleva bakalaureusetöö teema põhineb F. M. Christenseni tavatul vaatel, et seksuaalse ahistamise mõiste tuleks likvideerida. Antud bakalaureusetöö koosneb kolmest osast. Seksuaalse ahistamise mõiste uurimiseks otsustas autor analüüsida teiste filosoofide vaateid. Esimeses osas analüüsitakse Catherine MacKinnoni, Anita Supersoni, John Hughesi ja Larry Mayi, Edmundi Walli, Nancy Davise ja F.M. Christenseni seksuaalse ahistamise definitsioone. Margaret Crouchile tuginevast analüüsist selgus muuhulgas, et nende vaadete nõrkus seisneb selles, et suurem osa nendest on feministlikud ja mis on seotud ainult naiste suunas tekitatud kahjuga. Iga lõigu lõpus analüüsib autor filosoofide definitsioone ühest või teisest vaatenurgast, ja lisab oma näiteid ja arvamusi. Teises osas kirjeldab autor Christenseni seisukohta ja väljendab oma arvamust tema teooria kohta. Christensen eitab, et seksuaalne ahistamine näol on tegemist rikkumise ja diskrimineerimine ja et seksuaalne ahistamine üldse on tõsine ühiskondlik probleem. Ta väidab, et seksuaalne ahistamine on otsitud termin, mis ei tekita inimesele reaalset kahju, nagu näiteks tapmine. Christensen vaidleb vastu, et seksuaalne ahistamine diskrimineerib naisi, sest ta arvab, et see seisukoht on egoistlik. Kolmas osa on pühendatud mainitud filosoofide vaadete eristamisele. Autor proovib leida Crouchi, Cornelli, Supersoni ja MacKinnoni võimalike argumente Christenseni vaadete vastu. Töö lõpeb järeldusega, kus autor väljendab suures osas oma nõustumist Christenseni vaadetega.

Lihtlitsents lõputöö reprodutseerimiseks ja lõputöö üldsusele kättesaadavaks tegemiseks

Mina, Daria Dreilikh

1. Annan Tartu Ülikoolile tasuta loa (lihtlitsentsi) enda loodud teose „F. M. CHRISTENSEN`S CRITIQUE OF "SEXUAL HARASSMENT”

mille juhendaja on Marek Volt

1. Reprodutseerimiseks säilitamise ja üldsusele kättesaadavaks tegemise eesmärgil, sealhulgas digitaalarhiivi DSpace-is lisamise eesmärgil kuni autoriõiguse kehtivuse tähtaja lõppemiseni;
2. Üldsusele kättesaadavaks tegemiseks Tartu Ülikooli veebikeskkonna kaudu, sealhulgas digitaalarhiivi DSpace´i kaudu kuni autoriõiguse kehtivuse tähtaja lõppemiseni.

1. Olen teadlik, et punktis 1 nimetatud õigused jäävad alles ka autorile.
2. Kinnitan, et lihtlitsentsi andmisega ei rikuta teiste isikute intellektuaalomandi ega isikuandmete kaitse seadusest tulenevaid õigusi.

Tartus 22.05.2018