This course uses sexual harassment as a lens through which to view the interaction between theory and practice. How do we think about gender, sexuality, work, agency, respect? How do these ideas inform laws and policies in workplaces and schools? We will explore how it is that sexual harassment came to be seen as wrong, what kinds of arguments have been put forward about the nature and extent of its wrongness, and to what sorts of relations sexual harassment applies.

We will look at sexual harassment theoretically, legally, politically and empirically. You will read court cases, philosophical arguments, legal theories, empirical studies and political analyses all centering around sexual harassment.

Students will be expected to write two short response papers and one long paper analyzing a recent sexual harassment case. Papers are described in more detail at the end of the syllabus. There are also two exams and I expect active participation.

The court cases that we read can all be accessed through the Westlaw database, available either from the library database page or from the course lib-guide. Use the case number provided to find the reading. Other readings are either from the books noted below or are on e-reserve. The e-reserve password for this class is quidproquo.

**Required Books:**
- Catherine Mackinnon (Ed.) *Directions in Sexual Harassment Law*
- Catherine MacKinnon *The Sexual Harassment of Working Women*
- Carrie Baker *The Women’s Movement Against Sexual Harassment*
- James Gruber and Phoebe Morgan (Eds) *In the Company of Men: Male Dominance and Sexual Harassment*

**Course requirements**
- 2 exams 15% each
- 2 short papers (2-3 pages) 10% each
- 1 long paper (18-20 pages) 30%
- (includes proposal and rough draft) 5% each
- Class participation 10%
August 26: Intro
August 28: Directions, Introduction, pp. 1-43

**Early Cases**


September 2: Carrie N. Baker, *The Women’s Movement Against Sexual Harassment* (WMASH), Intro, Chs 1-2

**Theoretical Background**

September 4: Charles Taylor, “The Concept of a Person”

September 7: Hannah Arendt, selections from “Labor” in *The Human Condition*

September 9: Michael Walzer, selections from “Office” and “Work” in *Spheres of Justice*


**Law and Policy against Sexual Harassment**


September 16: WMASH, Ch. 3

September 18: WMASH, Chs. 4-5

September 21: WMASH, Chs. 6-7

September 23: WMASH, Ch. 8


September 28: Exam

**Constructing a Theory**

September 30: Catherine MacKinnon, *Sexual Harassment of Working Women* Introduction and Women’s Work (Chs 1-2 in SHWW)

October 2: Andrea Dworkin, “What Feminist Jurisprudence Means to me” and Calabresi, “Perspectives on Sexual Harassment Law,” Directions

October 5: Catherine MacKinnon, *The Sexual Harassment of Working Women* (SHWW), Chs.3-4
October 7:  SHWW, Ch. 5
October 9:  *Harris v. Forklift* (510 U.S. 17)
October 12:  No Class, Fall Break
October 14:  SHWW, Chs. 6, 7, appendix A and B
             Afterword to *Directions*
             **Paper Proposals Due**
October 16:  **Exam**

**Sexual Harassment and Masculinity**
October 19:  *In the Company of Men* (ITCOM) Beth Quinn, “Toward a
              Criminology of Sexual Harassment” (Ch. 2)
October 20:  ITCOM, Dave Baigent, “Fitting In: The Conflation of Firefighting,
             Male Domination, and Harassment” (Ch. 3)
October 22:  ITCOM, Kristen Yount, “Sexualization of Work Roles Among
             Men Miners: Structural and Gender-Based Origins of
             ‘Harazzment’”(Ch. 4)
October 26:  ITCOM, Melissa Sheridan Ember-Herbert, “A Missing Link:
             Institutional Homophobia and Sexual Harassment in the U.S.
             Military” (Ch. 10)
October 28:  ITCOM, Carrie N. Baker, “Blue-Collar Feminism: The Link
             Between Male Domination and Sexual Harassment” (Ch. 11) and
             Carla Corroto, “The Architecture of Sexual Harassment” (Ch. 12)
October 30:  No Class, SUS conference

**Intersections of Race and SH**
November 2:  Judith Resnick, “From the Senate Judiciary Committee to the
             Country Courthouse: The Relevance of Gender, Race, and
             Ethnicity to Adjudication” and Anita F. Hill, “Marriage and
             Patronage in the Empowerment and Disempowerment of African
             American Women” on e-reserve
November 4:  Adrienne Davis, “Slavery and the Roots of Sexual Harassment”
             and Tanya Kateri Hernandez, “The Racism of Sexual Harassment,”
             in *Directions*
November 6:  ITCOM, NiCole T. Buchanan “The Nexus of Race and Gender
             Discrimination: Racialized Harassment of African American
             Women” (Ch 13)

**Same Sex Harassment**
November 9:  *Oncale v. Sundowner* (523 U.S. 75)
November 11:  William N. Eskridge, “Theories of Harassment ‘Because of Sex’”
              and Katherine M. Franke, “What’s Wrong with Sexual
              Harassment?” in *Directions*.
November 13:  In the Company of Men, Margaret Stockdale, “The Sexual-Harassment of Men: Articulating the Approach-Rejection Theory of Sexual Harassment” and Michael Kimmel and Tyson Smith, “The ‘Reasonable Woman’ and Unreasonable Men: Gendered Discourses in Sexual Harassment Litigation” (Ch 6, 7)

November: 16:  Doe v. City of Belleville (119 F.3d 563)  Rene v. MGM Grand Hotel (305 F.3d 1061)  

November 18:  Janet Halley, “Sexuality Harassment” and Marc Spindelman, “Discriminating Pleasures” in Directions

November 20:  Davis v. Monroe County Board of Education (526 U.S. 629)  Rough Drafts Due

November 23:  Deborah Rhode, "Sex in Schools: Who's Minding the Adults?"  Ann Sclaes, "Nooky Nation" in Directions

November 25:  No Class, Thanksgiving  

November 27:  No Class, Thanksgiving  

Rethinking SH  

November 30:  Kathryn Abrams, “Subordination and Agency in Sexual Harassment Law” in Directions  Peer editing due

December 2:  Robin West, "Unwelcome Sex: Toward a Harm-Based Analysis" in Directions.


December 7:  Ocheltree v Scollon (335 F. 3d 325)

December 9:  Final Paper Due by 4pm in my office
Short Papers

There are two short papers due. Instead of set due dates you will hand the first in by September 16 (meaning any class date up to and including 9/16) and the second by October 28 (meaning any class time between 9/16 and 10/28). For each short paper you will focus on the reading for the day on which you turn in the paper. These papers should be 2-3 pages, double-spaced. Response papers can be done in one of the following ways:

1) Passage explication. Frame your response around a key passage in the reading. Explain the passage. Relate that explanation to the theme of the reading as a whole or explain the ways in which that passage reflects a key argument. Or use the passage to highlight something you find confusing or problematic about the reading.

2) Relate the reading to an earlier reading or class discussion. Explain how this reading responds to or furthers that earlier discussion. Use specific examples from the reading you are discussing and from the earlier reading or discussion.

3) Relate the reading to something you have read or seen outside of class. Explain how the reading illustrates this incident or issue in a wider setting – readings in the newspaper or other media, an experience on campus or off, a conversation with a family member or friend. Again, be specific about how the reading relates and explain how the argument in the reading might be used to analyze the event.

Long Paper

Choose a recent (last five years) case that illustrates the issues that arise from sexual harassment in a particular setting or under a particular scenario. For example, sexual harassment in the military, in police or fire departments, in high schools, religious institutions, restaurants, other countries or in a particular circumstance: women sexually harassing men, children sexually harassing one another, sexual harassment of minorities, etc.

The papers should aim to do three things:

1) Explain the setting of your sexual harassment case, taking into consideration any issues particular to that setting.

2) Explain the case itself – what happened, how was it decided, what principles were used in the decision

3) Analyzing the meaning of the case – why does it matter? What does it illustrate about sexual harassment? Was it correctly decided? Why or why not? How might one of the legal theorists we have read interpret this decision?
The paper proposals for these projects (this includes both the case that you will use and the area of concern), are due on October 14 in class. A rough draft of the paper is due November 20 in class. You will be doing peer reviews of these papers so bring two copies of the paper in on November 20. The review of your peer’s paper is due November 30. The final paper is due December 9 by 4pm in my office.

Citations from authors and articles we have read can be given parenthetically after any quotation or paraphrasing using the page number of the text. Papers must be cited in full in accordance with the rules set out in the political science guidelines (available online at http://www.polisci.cofc.edu/PDF/POLSCitationGuide5-16-6.pdf). Any failure to cite outside materials used for papers in this class is considered plagiarism. Plagiarism is pretending as if the words and ideas of another are in fact yours. This includes a failure to use quotations, a failure to indicate when you are paraphrasing, the failure to give credit to the author whose ideas you are using and the purchasing or copying of papers or portions of papers, from the Internet. Plagiarism is a violation of the Honor Code and will be treated as such. Any student who plagiarizes in this class will be turned in to the Honor Board and will fail the class.

Guidelines for Class Discussion

This is a class where lots of people have lots to say and the material we will read and discuss involves scenarios and language that may make some people uncomfortable. So I think it is important to set out a few rules:

1) There will be disagreement

2) Given that there will be disagreement we must agree to listen when someone is speaking: No Sidebar Conversations

3) Everyone will get a chance to speak their mind; but everyone will not get a chance to always speak their mind all the time

4) Given that there will be disagreements, try to express your opinions in a way that reflects the ideas at hand and not the personalities of your colleagues.

5) There is no reason for any racist, sexist, homophobic or otherwise bigoted commentary

6) Please talk to me if you are uncomfortable about the material we are discussing or the nature of our discussions.