



How do sexual harassment policies shape gender beliefs? An exploration of the moderating effects of norm adherence and gender



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ARTICLE INFO

Article history:

Received 5 December 2011

Revised 1 May 2013

Accepted 6 May 2013

Available online 23 May 2013

Keywords:

Sexual harassment policy

Gender norms

Status

Beliefs

ABSTRACT

Sexual harassment laws have led to important organizational changes in the workplace yet research continues to document resistance to their implementation and backlash against the people who mobilize such laws. Employing experimental research methods, this study proposes and tests a theory specifying the mechanisms through which sexual harassment policies affect gender beliefs. The findings show evidence that sexual harassment policies strengthen unequal gender beliefs among men and women most committed to traditional gender interaction norms. I also find that men and women's different structural locations in the status hierarchy lead to different, but related sets of concerns about the status threats posed by sexual harassment policies. By specifying the social psychological processes through which sexual harassment law affects beliefs about men and women, this study sets the stage for investigating ways to make laws designed to reduce inequality between social groups more effective.

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1. Introduction

In the United States, sexual harassment is legally recognized as a violation of Title VII of the Civil Rights Act of 1964, the law that forbids discrimination on the basis of sex, race, religion, and national origin. This legal acknowledgment implies that reducing the incidence of sexual harassment in the workplace will, over time, produce a labor market with less gender inequality (MacKinnon, 1979). There is considerable evidence that the law has played a direct role in organizational change (Dobbin and Kelly, 2007; Edelman et al., 1999; Saguy, 2003), and that sexual harassment policies and procedures can curtail sexually harassing behaviors (Gruber, 1989; Perry et al., 1998). However, to date there is little social scientific evidence demonstrating the effect of anti-harassment regulations on the broader goal of reducing workplace gender inequality and a number of socio-legal scholars have argued that such laws can produce effects that reinforce rather than reduce inequality (Bisom-Rapp, 2001; Epstein et al., 1995; Patai, 1998; Schultz, 1998; Saguy, 2003).

For example, researchers have shown that the widespread implementation of sexual harassment policies and grievance procedures reflect managerial interests over the rights of employees (Edelman et al., 1999; Marshall, 2005). Schultz (1998) documents evidence from contemporary case law that women who do not conform to the stereotype of the sexually pure and passive victim are less successful in court at convincing judges that sexual conduct was unwelcome – thus making the enforcement of the law a site for the reinforcement of paternalistic stereotypes. In addition, recent studies have shown that sexual harassment policy training can activate gender stereotypes and have a polarizing effect on men and women's beliefs about gender and gender difference (Marshall and Barclay, 2003; Munkres, 2008; Quinn, 2002; Tinkler, 2012a; Tinkler et al., 2007).

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In an experimental study that measured the direct effect of the law on beliefs, Tinkler et al. (2007) found that undergraduate males who were read an excerpt of their university sexual harassment policy expressed stronger male-advantaged implicit beliefs than males who had no exposure to the policy. This finding shows that at the implicit or non-conscious level, the policies activate rather than reduce men's unequal beliefs. Since systems of inequality are sustained by cultural beliefs about group difference and the enactment of those beliefs in behaviors and institutions (Sewell, 1992), it is important to better understand *why* sexual harassment law sometimes produces unequal gender beliefs. Moreover, given that sexual harassment is intrinsically linked to power relations and the preservation of heterosexual masculinity (Burgess and Borgida, 1999; Fiske and Glick, 1995; MacKinnon, 1979; Uggen and Blackstone, 2004; Yoder, 1994), research needs to examine whether there are gender differences in the effect of sexual harassment policies on gender beliefs.

Building on the experimental design in Tinkler et al. (2007), this study examined the effect of a sexual harassment training video on college students' tendency to express traditional male-advantaged beliefs about gender difference. I modified the Tinkler et al. (2007) design to include male *and* female subjects, and a pre-test measure of subjects' adherence to gender interaction norms. The main hypothesis is that sexual harassment policies activate traditional and unequal gender beliefs among men and women who adhere most strongly to traditional gender interaction norms. I also hypothesize that men and women's different structural locations in the status hierarchy lead to different, but related reactions to learning about sexual harassment policy. By identifying the roots of resistance to sexual harassment law, this study sets the stage for investigating ways to counter it and make the law more effective.

2. Theory and background

In this paper, I draw on social psychological theories of status to develop hypotheses about the mechanisms through which sexual harassment policy affects gender beliefs. Status characteristics research has shown that when people are differentiated on a status characteristic (e.g., race or gender) and interact in a goal-oriented setting, those who are perceived to generally be more competent and held in higher esteem (e.g., white Americans and men) exercise more influence and are evaluated more positively than those who are perceived to be members of the lower status category (e.g., racial/ethnic minorities and women) (Berger et al., 1977). The status hierarchy develops in the interaction because people form and behave according to performance expectations based on beliefs about the type of people who tend to have status in a situation. When interactions reproduce patterns of inequality that exist in the larger society, they maintain the legitimacy of such stratification systems (see Ridgeway and Walker, 1995 for a review).

Status characteristics theory has been particularly powerful in explaining the persistence of workplace inequality (Ridgeway, 1997, 2011), and also in identifying strategies for reducing status-based inequalities in interactions (Cohen and Lotan, 1995; Ridgeway et al., 1994; Lucas, 2003). Most of the research aimed at intervening in the formation of status hierarchies has focused on directly modifying performance expectations by providing positive ability and task-relevant information about participants who are disadvantaged on a status characteristic (e.g., informing group members that a woman has scored higher on a relevant ability test). Task-relevant ability information has been shown to provide legitimacy to status structures that are inconsistent with external status markers like gender.

Sexual harassment policies are similar to gender-based interventions used in classic status characteristic studies in their aim to reduce unequal relations between men and women working together in goal-oriented contexts (Tinkler, 2012a). However, unlike interventions that focus on modifying task-relevant performance expectations, sexual harassment policies aim to modify gender interaction norms – norms that are both an expression of the gender status hierarchy and a cultural code for indicating sexual attraction. Below I argue that the extent to which exposure to information about sexual harassment law legitimates a disruption to the status order (and leads to more equal gender beliefs) or instead incites resistance and backlash (and leads to more unequal gender beliefs) depends on (1) the extent to which men and women adhere to gendered interaction norms and (2) the extent to which men and women perceive this disruption as a threat to their own status.

2.1. Commitment to Interaction Norms

Zimring and Hawkins (1971) argue that when the law is used to promote social change rather than to enforce existing social relations, the prohibited behavior is often customary, and requires “normal” citizens who are accustomed to the newly illegal conduct to significantly reorient their values and behavior. The unwelcome behaviors that can constitute illegal sexual harassment include “sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature” (United States Equal Employment Opportunity Commission, 2012). Since heterosexual interaction norms prescribe that men should flirt in an explicit, confrontational way and that women should react deferentially through body language and subtle flirtation, sexual harassment law proscribes behaviors that are often expected outside of the workplace, and in so doing, discourages interaction behaviors that are perceived as normal to many people (Williams et al., 1999).

Social cognition research supports Zimring and Hawkins' contention about the normative barriers laws face in promoting social change. People rely on shared categorization systems to inform how they communicate with one another in order to ease interactions (Ridgeway, 1997, 2006). According to social cognition research, sex is one of the primary categories that people almost always rely on in interaction situations (Fiske, 1998). Evidence suggests that sex categorization is automatically and unconsciously activated, informing our subsequent understanding of the person. Sex categorization is useful in

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