Business and Society Review **100/101:** 9–20

Sexual Harassment: Trust and the Ethic of Care

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Few ethical issues are perceived so differently by as many men and women as is sexual harassment in the workplace. These differences smoldered for years, but they were brought to a head in the American consciousness by the confirmation hearings of Supreme Court Justice Clarence Thomas. Reacting to a combination of the Thomas–Hill controversy and some very expensive judgments, numerous companies have become increasingly concerned with preventing harassment before it happens. Many corporate training programs on sexual harassment, however, have led at best to an uneasy truce between the sexes. And they have often only underscored differences in how many men and women perceive the issues involved here.

It is still largely true that many men do not consider the issue to be as serious as many women claim. Many men feel that women simply overreact to harmless humor and friendly flirtation and that women charge harassment too quickly. As a result, many men in the workplace have adopted a bunker mentality and grudgingly "walk on eggs" around women lest they get in trouble or lose their jobs. Many women remain angry over the pervasiveness of harassment in the workplace, they are aware of the men's resentment, and they are exasperated over the fact that, despite all of the attention that has been given to sexual harassment, they feel that men still "just don't get it."

No doubt the major reasons for the difference in sensibilities on this issue are, as has been cited in some court cases, that women in our society have traditionally been discriminated against and that they are disproportionately victims of sexual and domestic violence. However, proponents of an "ethic of care" might argue that, in conjunction with these facts, another reason for the difference in how sexual harassment is perceived may stem from differences that have been hypothesized in how many men and women perceive and resolve ethical issues.

This essay, then, will attempt to show how "hostile environment" sexual harassment appears to be more morally offensive when examined from the perspective of an "ethic of care and responsibility" than from the viewpoint of the competing "ethic of justice and rights." As such, this discussion attempts to contribute to the ongoing discussion about the utility of Carol Gilligan's work on ethical reasoning for clarifying ethical issues in business.[1]

SEXUAL HARASSMENT AND DIFFERENCES OF PERCEPTION

Sexual harassment, of course, falls into two types: "quid pro quo" and "hostile environment" harassment. The former is relatively easy to specify because it describes situations in which meeting someone's sexual demands is a condition of getting or keeping a job or of receiving a promotion or the like. Men and women have virtually no disagreement about the seriousness of this variety of harassment. Both sexes universally condemn it as abusive, coercive, and seriously wrong from an ethical standpoint.

It is the second category, however, about which there is the greatest disagreement. In this type of harassment, what is at issue is behavior that, in the words of the Equal

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Employment Opportunity Commission, "unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment." Unlike "quid pro quo" harassment, "hostile environment" harassment may consist of no more than jokes or comments of a sexual nature, requests for a date, love letters, or the presence of pictures, posters, calendars, or magazines that range from the mildly suggestive to the pornographic.

The differences in attitudes about what constitutes a "hostile environment" are legendary. Many women label an environment "intimidating, hostile, or offensive" much more readily than men do. In one survey, for example, three times as many women as men thought that "elevator eyes" (eyeing a woman's body up and down) constitutes harassment. Similarly, men and women responded differently when asked what their reaction would be to sexual advances from a coworker. Two thirds of the male respondents said they would be flattered. Yet the same percentage of women said that they would be offended.[2]

As mentioned above, the major reason many men and women see sexual harassment so differently is most likely that in addition to traditionally being denigrated as inferior to men, women in our society are disproportionately victims of sexual and domestic violence. As Judges Robert R. Beezer and Lex Kozinski of the Ninth Circuit of the U.S. Court of Appeals have written, "Conduct that many men consider unobjectionable may offend many women. . . . Because women are disproportionately victims of rape and sexual assault, women have a stronger incentive to be concerned with sexual behavior. Men, who are rarely victims of sexual assault, may view sexual conduct in a vacuum."[3]

However, in the last decade, much has been written alleging that many men and women have such fundamental psychological differences that it can be said that they live in "different worlds."[4] And the most important researcher claiming that there are differences in how people think and talk about ethics that may be associated with gender is Harvard University moral development psychologist Carol Gilligan. In conjunction with women's greater vulnerability to sexual and domestic violence, do Gilligan's ideas help explain why many people regard "hostile environment" sexual harassment so differently?

CAROL GILLIGAN, GENDER, AND THE ETHIC OF CARE

In her 1982 landmark book *In a Different Voice*, Harvard psychologist Carol Gilligan made the controversial claim that the leading research in moral development theory was incomplete because it was based solely on the study of male subjects. Criticizing Lawrence Kohlberg's theories about human moral development, Gilligan argued that studying a female pool revealed a different "voice" that people use to speak about ethics. Kohlberg was describing "an ethic of justice and rights"; Gilligan offered an "ethic of care and responsibility."

Inspired by the Swiss developmental psychologist Jean Piaget, Kohlberg had argued that in the process of developing a sense of morality, we all pass through distinct stages. These stages culminate in moral thinking characterized by abstract conceptions of justice impersonally and objectively applied to situations. Gilligan claimed, on the contrary, that the women in her study reached an advanced level of moral thinking by going through a different set of stages. More importantly, Gilligan argued that the highest level of this style of thinking involves a principle of "care," a concept Kohlberg placed fairly low in his hierarchy. Gilligan argued that an "ethic of care and responsibility" rejected the objectivity and impartiality that are at the heart of the legalistic and rationalistic approach epitomized by an "ethic of justice and rights." Accordingly, she claimed that resolving an ethical problem from the standpoint of an ethic of care involved one in a subjective, emotional, and decidedly personal process. Gilligan claimed that the central moral imperative of an ethic of justice is "to respect the rights of others

and thus to protect from interference the rights to life and self-fulfillment." By contrast, she viewed the central imperative of an ethic of care as "to discern and alleviate the 'real and recognizable trouble' of this world." In this view, "the moral person is one who helps others; goodness is service, meeting one's obligations and responsibilities to others."[5]

Gilligan's thesis remains controversial and has been discussed by numerous researchers.[6] There is still much debate about the source of the differences Gilligan points to, that is, whether it is correct to link it to gender. But a strong case can be made for the claim that Kohlberg's model is incomplete, that many people think about right and wrong with something akin to Gilligan's principle of care, and, from the standpoint of personality development, that this outlook is just as advanced as an ethic of justice. While empirical research is inconclusive, some data suggest that while both men and women employ an ethic of care, many women may have a significantly stronger inclination in this direction.[7]

"SELF-DEFINITION" AND ETHICS

A central question about Gilligan's ideas, of course, is whether she links the notion of "ethical voices" too closely to gender. It is, after all, relatively easy to find men who prefer an "ethic of care" and women who prefer an "ethic of justice." Gilligan herself stresses that the most significant difference that she is attending to is in not gender but "theme," and she suggests that another explanation for the phenomenon, then, is that it results from fundamental differences in the way the self is structured at an unconscious level. These differences in the self apparently produce differences in what is experienced unconsciously as "safety" and "danger" and, by extension, differences in what is experienced consciously as "right" and "wrong."[8]

While a full account of and argument for the connection between "self" and "ethics" that Gilligan is suggesting would be far too long for this paper, it can, for the sake of economy, be briefly overstated as follows. There appear to be two major themes that can predominate in self-definition: a solitary, "separate," or "autonomous" self and a highly social, "connected" self.[9] Those of us with an "autonomous" self experience the world unconsciously as a *contest*. Relations with others are competitive and hierarchical. Anything that jeopardizes autonomy, status, and independence—everything from being under someone's power to feeling the intense closeness of personal emotional relationships—feels threatening. That is, at an unconscious level, independence feels safe, but a loss of autonomy feels dangerous.

This unconscious sense of safety and danger apparently surfaces as a conscious preference for a largely impersonal, objective, impartial approach to ethics, that is, an approach to ethics that gives us maximum psychological distance from each other. Such an approach resolves ethical dilemmas by appealing to rules, laws, policies, or moral principles whose authority is equally binding on all and subject to a minimum of subjective interpretation. Such an approach to ethics favors principles of justice, fairness, equality, and individual rights and was largely described in the work of moral development psychologist Lawrence Kohlberg.

Those of us with a "connected" self, on the other hand, experience life unconsciously not like a contest, but more like a *community* or a web or network of relationships. Safety rests in close, dependable, and trustworthy relationships and in being part of a group. Unlike "autonomous" individuals, those of us with "connected" selves find being closely connected to other people positive, even nourishing. Unconsciously, then, being "connected" to others feels safe, while feeling separated from others feels dangerous.

This "connected" interpretation of safety and danger apparently surfaces as a conscious preference for a more personal and subjective approach to ethics grounded in our relationships with the people who make up our "network," that is, an approach with minimum psychological distance from each other. Such an approach to ethics emphasizes the

responsibilities of all members of the community (or "web") to care for and not to abandon one another in times of need. This approach tends to de-emphasize rules and laws in favor of allowing for the flexibility to respond to the unique characteristics of each ethical dilemma —particularly to the relationships that obtain between the people involved. That is, this approach believes that the best solution to an ethical dilemma is "tailored" to fit the special needs of all individuals involved. Such an approach to ethics favors principles of equity, self-sacrifice, the common good, and responsibility to others.

SELF, ETHICS, OBLIGATION, AND TRUST

The presupposition in this line of argument is that there is a clear relationship between psychology and ethics or, more specifically, between the defining character of the self at an unconscious level and a conscious, preferred approach in ethics. The former is logically prior to the latter, so self-definition determines what is perceived as central moral dilemmas, virtues, vices, and the like. Gilligan and others assert that many women have a "connected" self. But if there is some such relationship between self-definition and gender, is there any evidence that any female philosophers approach ethics in ways that even roughly approximate Gilligan's ethic of care?

Annette Baier claims that a number of female philosophers echo Gilligan's "voice."[10] However, it is Baier herself who is of particular interest to us in this inquiry, because her discussion of the validity of Gilligan's perspective leads her to argue that "appropriate trust"—not "obligation"—should be regarded as the central moral concept.[11]

Baier's position is noteworthy because, I would argue, *obligation* presumes an "autonomous" psychology; *trust*, a "connected one." Even the etymology of these words suggests this. "Obligation" is related to the Latin *obligare*, which means "to bind," while "trust" comes from the German *der Trost*, for "comfort" or "solace." To be *bound* is to have one's freedom forcibly taken away by others, while to receive *comfort* or *solace* is to be aided by others. The former suggests a world in which the very existence of other people threatens the safety and autonomy of the self; the latter, a world in which other people are there to help us.

Theories of obligation take as their prime value and point of departure the maximum freedom of the autonomous moral agent. Maximum freedom is an absolute good; any limitation of that freedom is problematic and must be justified. In such an intellectual tradition, the preferred solution to any problem of authority or obligation is some mechanism that lets the dictates of an authority flow directly from the freely expressed will of the autonomous individual. Hence, the individual is merely self-constrained; loss of freedom may be a necessary evil, but at least it's self-authored. In theory, then, the bound person is (paradoxically) free; in reality, of course, the bound person is still bound. This suggests that duties toward others are a burden. Even if obligations are self-chosen, they still register as a "binding" and something negative. Other people, then—simply by their very existence—loom as hostile forces that threaten the loss of freedom, that is, the loss of well-being of the self. From a psychological standpoint, one might argue that a sense of maximum safety is achieved by, in essence, conceding no authority to any other individual. Moreover, this perspective seems to assume that other people will have a tendency to act mainly according to blatant self-interest. So to be effective, a moral theory must take as a central task the formulation of a device that protects the individual from this risk.

The meaning, implications, and overtones of *trust*, however, are the exact opposite of this. "Comfort" and "solace" unquestionably suggest that the relationship between human beings is positive. Indeed, as Baier explains, within a framework of trust, the existence of other people increases, not jeopardizes, our safety. She writes,

> To trust is to make oneself or let oneself be more vulnerable than one might have been to harm from others—to give them an opportunity to harm one, in the confidence that they will not take it, because they have no good reason to. Why would one take such a risk? . . . If the best reason to take such a risk is the expected gain in security which comes from a climate of trust, then in trusting we are always giving up security to get greater security, exposing our throats so that others become accustomed to not biting.[12]

Since approaching the world from a stance of trust makes us more vulnerable to harm, it thereby presumes a significant level of respect and altruism from those around us—indeed, the exact opposite of what is presumed by a perspective grounded in the highly autonomous individual. Accordingly, to a moral theory based on trust, lapses in this presumed respect and altruism will register as being far more problematic than they will in a theory of obligation. Or, to put it more plainly, if I presume that other people will advance their own interests over mine whenever they have a chance, I will distrust them, and I will find some way to protect myself in my dealings with them. If I experience some kind of harm at their hands, I will be hurt, but I will not be *surprised* that they acted this way. If, on the other hand, I presume that the people around me and I have a mutual commitment to watch over each other's interests, I will trust them, and I will approach them with relatively few defenses in place. If I experience some kind of harm at their hands, not only will I be hurt, but I will also experience the pain connected with the betrayal of trust and the fact that they took advantage of my vulnerability. There is a dual dimension to harm experienced in this context.

SEXUAL HARASSMENT AND AN ETHIC OF JUSTICE

An ethic of justice and an ethic of care, then, describe contrasting approaches to ethics. But do they differ in how they view sexual harassment? And, if so, does this account for any of the differences in how men and women view sexual harassment?

Let us begin with an ethic of justice. Conveniently, the major discussions in business ethics of sexual harassment have adopted the main lines of an ethic of justice. So it is relatively easy to see precisely what features this point of view elucidates.

Wells' and Kracher's discussion of "hostile environment" harassment is striking for its reliance on concepts characteristic of the objective, abstract, individualistic, and "autonomous" ethic of justice.[13] The concepts of justice and fairness—particularly John Rawls' ideas about justice—figure prominently.[14] The authors object to the way that sexual harassment denies women "equal opportunity." (While an ethic of justice stresses the importance of equality, an ethic of care favors a principle of equity.) They eschew the way that the innocent are "unwilling" participants in a harassing environment. (Being made to do something against one's will clearly compromises one's freedom, autonomy, and independence.) They claim that proper respect for persons "involves being willing to see things from another's point of view."[15] (That is, it is wrong to fail to recognize and respect another's autonomy.) And they ultimately argue that a "sexually hostile environment" is "a sexual situation [that a reasonable victim would regard as] unwelcome and abusive."[16] (Again, the autonomy and integrity of the individual are not respected.)

A similar perspective can be seen in other essays that consider sexual harassment from the perspective of an ethic of justice, and the theme that emerges from these discussions is that sexual harassment is morally offensive because, in various ways, it subverts an individual's free choice, it ignores the victim's rights to equality, and it fails to respect the dignity of the individual.[17] I doubt that any serious criticism can be made of this characterization of sexual harassment, and there is no question that these are serious charges.

However, such an account is almost antiseptic in failing to point to any substantial amount of tangible harm suffered by victims of sexual

harassment. Wells and Kracher suggest some harm when they remark that a hostile environment is "demeaning to the target or victim and undermines his or her self-esteem," that "persistent jokes, remarks, and gestures . . . are threatening or abusive from the viewpoint of the target employee," and that hostile environments are "harmful and abusive."[18] But this hardly suggests that the victim has suffered any great or long term pain. Similarly, Dodds *et al.* observe that sexual harassment is "unpleasant" and "unwanted" by the victim and that she will likely feel anger and resentment.[19] But in the course of their discussion, they actually intimate that if harassment somehow leads to a promotion and distance from the harasser, the long-term consequences for the victim are quite good.[20] And this certainly implies that the experience of being harassed is more unpleasant than traumatic.[21]

Not dwelling on tangible harm is, of course, characteristic of any deontological approach, so this criticism of an ethic of justice may be somewhat off the mark. Nonetheless, one is left wondering whether an ethic of justice fully captures the seriousness with which most women regard "hostile environment" sexual harassment.

SEXUAL HARASSMENT AND AN ETHIC OF CARE

By contrast, how would an ethic of care characterize "hostile environment" harassment? Does it do a better job of explaining why such actions as comments, jokes, flirting, stares, posters, and requests for dates—actions that many men might see as inconsequential—might be experienced as "intimidating, hostile, and offensive"? What kind of *harm* does an ethic of care reveal? In particular, what does the centrality of the concept of trust reveal?

Recall that an ethic of care proceeds from a "connected" self and a sense of being part of a community—a web or network of relationships. A sense of safety and comfort in the world springs not from being separated from one another, but from being close to others. This pull to other people that is a major part of the psyche of "connected" individuals, however, is a two-edged sword; not only is it a source of safety, it is also a primary source of danger. That is, to have such a "connected" self and to experience the world accordingly mean being extremely vulnerable to other people. A morally good person, then, is not simply, as Gilligan claims, someone who helps others and is responsive to their needs. A good person also scrupulously avoids taking advantage of the vulnerability that is an essential part of a "connected" world. That is, from the standpoint of the ethic of care, the morally good person is above all trustworthy, dependable, and unthreatening. And, by implication, one of the worse vices, then, is to prey on those around you.

Seen in this light, "hostile environment" sexual harassment is highly problematic from a moral perspective. Of course, a victim's reaction to being harassed will vary depending on such factors as the severity of the harassment, the emotional history of the victim, and the mode of self-definition in the victim's personality.[22] However, for the sake of argument, let us assume that we're talking about a situation in which a man repeatedly makes sexual comments or jokes and proffers social invitations to a woman with a "connected" self, despite the fact that the woman has attempted to communicate to him that these actions make her uncomfortable. Among women with "connected" selves, it is fair to say that being the victim of such harassment would be a negative emotional experience that could, in effect, feel like an *emotional assault*. The woman could feel victimized, and the feelings stemming from such an assault could profoundly change a victim's sense of safety and danger in the world—at least on the job. Such harassment might dramatically increase the victim's sense of being threatened and powerless in the present. It could also carry substantial long-term negative consequences.

Recall that the context in which sexual harassment in the workplace takes place is a society in which women are disproportionately

victims of sexual and domestic violence at the hands of men they already know. Keep in mind as well that our society has had a tradition of sexual discrimination and a belief in the inferiority of women.[23] A sexualized work environment thus can remind women of the risk of violence, raises the possibility that they are being categorized and stereotyped as inferior because of their sex, and could evoke feelings of fear, anger, distrust, and suspicion. Even a remark that a man intends as harmless or flattering may prompt some women to wonder whether this man could be a sexist or even a predator. The fact that the source of the remark is a coworker whom the victim knows is irrelevant. Indeed, in light of the context of denigration and violence by familiars, caution and misgivings about a typically trusted colleague are prudent, not paranoid responses.

Genuine, intentional harassment, however, could have a much more dramatic emotional effect on its victim. The essential emotional response of being the victim of any misfortune is a feeling of vulnerability and powerlessness in the face of some superior force. It is often argued that sexual harassment is about power, not sex, so victims typically feel the emotions associated with victimization. Harassers are generally intent on showing victims that they have the upper hand in the situation. They typically enjoy demonstrating their power by being unpredictable, thereby keeping their victims off balance and in a constant state of anxiety. Moreover, skilled predators know just how far they can go in a situation so as to assault a victim emotionally while minimizing their own risk of any serious repercussions—something sure to increase the victim's pain, anger, and frustration. Even in the case of less cagey harassers who are caught and disciplined, the victim must still endure a period of harassment during which the offense is documented. The victim is therefore thrown into a roiling sea of negative emotions that at times can feel overwhelming: powerlessness in the face of the harasser, rage at the unfairness of what is happening, frustration at being unable to make it stop, self-doubt over whether the victim was in some way responsible for the harassment, impatience with the pace of most formal procedures, and the humiliation and other wrenching feelings that flow from being denigrated and mocked as inferior.

But the unhappiness felt by the victim when the harassment is going on is compounded by the possible long-term negative effects. That is, once people with "connected" selves have been victimized, their sense of the world is under assault. Their view has been altered to see that the world is a much more dangerous place than was previously felt. In particular, a woman may no longer be able to see the workplace as a place where she can be safe from emotional assault. She now carries the memories of the harassment and the knowledge that it could happen again. There are, it turns out, wolves in the flock.[24]

It should be apparent from the above discussion that hostile environment harassment constitutes a serious breach of trust. And if trust is a central issue in an ethic of care, it thereby registers as very seriously wrong. Since individuals with "connected selves" experience the world as though it's a "web" or network of relationships, a sense of safety and equilibrium depends on having trustworthy relationships with the people around them.[25] If the "web" is experienced as threatening, there is no place to retreat. There may be few alternative defenses in the psychology of such an individual other than, for example, heightened vigilance (on the one extreme) or flat denial (to the other extreme).[26] As a result, paralyzing fear (rather than mobilizing anger) may be the controlling emotion. LeMoncheck observes that "fear of retaliation or of not being believed often mean that [victims] remain silent" even though they may experience "feelings of humiliation, sickness, fear, embarrassment, self-blame, self-doubt, wracked nerves, frustration, anger, anxiety, denial, and helplessness over their predicament, . . . nausea, headaches, muscle spasms, . . . eating and sleep disorders . . . depression, distraction, and paranoia."[27] The type and seriousness of *harm* that this constitutes become apparent when we recognize the similarity between the

aftereffects that many victims of sexual harassment complain about and many of the symptoms connected with posttraumatic stress disorder and acute stress disorder.[28] Aside from any other kind of harm that a victim of hostile environment harassment may experience, an ethic of care points to a significant level of emotional harm.

CONCLUSION

Both an ethic of justice and an ethic of care offer serious moral indictments against "hostile environment" sexual harassment. The former points to the way that this practice violates principles of equality, free choice, and the dignity of the human person. The latter describes the way that sexual harassment is a serious breach of trust that constitutes, in essence, an emotional assault on the victim, producing immediate and possible long-term harm.

However, I believe that viewing sexual harassment from the perspective of an ethic of care gives a fuller picture of the harm experienced by many victims and offers a more persuasive account of how seriously wrong it can be. I also believe that this fact may give us a plausible explanation for why many men and women view sexual harassment so differently. If more women than men have "connected" selves and if they also prefer an ethic of care, then they might intuitively recognize that "hostile environment" harassment proceeds from a serious violation of trust and may constitute an emotional assault. The language and concepts characteristic of "autonomous" selves and an ethic of justice simply seem to lack the ability to describe the emotional pain felt by victims of harassment. Thus, they do not seem to evaluate this kind of harassment as being as seriously wrong as an ethic of care does. And since the overall point of view of an ethic of justice may be preferred by more men, this might be part of the explanation for why many men and women see this issue so differently.[29]

In any event, an ethic of care does illuminate critical features of why sexual harassment is morally offensive that an ethic of justice does not. And in this regard, I believe that this outlook can make a major contribution to helping all parties involved both understand and come to some resolution about how to handle such a controversial ethical issue.

NOTES

1. See Thomas I. White, "Business, Ethics, and Carol Gilligan's 'Two Voices,'" *Business Ethics Quarterly* 2 (1992), 51–61. Discussions of Gilligan's work can be found in William Martin and Bill Shaw, "White, Gilligan, and the Voices of Business Ethics," *Business Ethics Quarterly* 3 (1993), 437–443; John Dobson and Judith White, "Toward the Feminine Firm: An Extension to Thomas White," *Business Ethics Quarterly* 5 (1995), 463–478; Robbin Derry, "Toward a Feminist Firm: Comments on John Dobson and Judith White," *Business Ethics Quarterly* 6 (1996), 101–109; John Dobson, "The Feminine Firm: A Comment," *Business Ethics Quarterly* 6 (1996), 227–232; Brian K. Burton and Craig P. Dunn, "Feminist Ethics as Moral Grounding for Stakeholder Theory," *Business Ethics Quarterly* 6 (1996), 133–147; and Jeanne M. Liedtka, "Feminist Morality and Competitive Reality: A Role for an Ethic of Care?" *Business Ethics Quarterly* 6 (1996), 179–200.

2. A. S. Hayes, "Courts Concede the Sexes Think in Unlike Ways," *Wall Street Journal*, 28 May 1991, B1, B5. LeMoncheck writes, "Women typically have a more liberal, broad, and inclusive definition of sexual harassment than men do" (Linda LeMoncheck and Mane Hajdin, *Sexual Harassment: A Debate* [New York: Rowman & Littlefield, 1997], 54). On gender differences in the perception of sexual harassment, see also S. Gayle Baugh, "On the Persistence of Sexual Harssment in the Workplace," *Journal of Business Ethics* 16 (1997), 899–908. The extent of the difference in perception regarding what constitutes sexual harassment may be decreasing; see Sarah Glazer, "Crackdown on Sexual Harassment," *CQ Researcher*, 19 July 1996, 632.

3. Karen DeWitt, "The Evolving Concept of Sexual Harassment," *New York Times*, 9 November 1991, 11. Concerning women and sexual or domestic violence, it is important to note that women are more

likely than men to be sexually abused as children; 75% of women who are raped know their attackers; domestic violence is the leading cause of injury to women—more than car crashes, muggings, and rapes combined; one in four women is likely to be abused by her partner; and more than twice as many women are killed by husbands or boyfriends as are murdered by strangers ("Violence against Women," *CQ Researcher* 3 [26 February 1993], 169–192).

4. The most popular book in this regard is sociolinguist Deborah Tannen's *You Just Don't Understand: Women and Men in Conversation* (New York: Morrow, 1990).

5. Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982), 66.

6. See, for example: Cressida J. Heyes, "Anti-Essentialism in Practice: Carol Gilligan and Feminist Philosophy," *Hypatia* 12:3 (1997), 142–163; Joy Kroeger-Mappes, "The Ethic of Care vis-à-vis the Ethic of Rights: A Problem for Contemporary Moral Theory," *Hypatia* 9:3 (1994), 108–131; Richard Kyte, "Moral Reasoning as Perception: A Reading of Carol Gilligan," *Hypatia* 11:3 (1996), 97–113; Mary Jeanne Larrabee (ed.), *An Ethic of Care: Feminist and Interdisciplinary Perspectives* (New York: Routledge, 1993); Jean Rumsey, "Justice, Care, and Questionable Dichotomies," *Hypatia* 12:1 (1997), 99–113. In response to the controversy, Gilligan writes: "I am saying that the study of women calls attention to the different way of constituting the self and morality. . . . What had been missed [in earlier research] by leaving out women was a different way of constituting the idea of the self and the idea of what is moral. Rather than seeing to what extent women exemplify what generally is taken to be self and morality, I saw in women's thinking the lines of a different conception, grounded in different images of relationship and implying a different interpretive framework. . . . In defining a shift in perspective that changes the meaning of the key terms of moral discourse—such as the concept of self, the idea of relationship, and the notion of responsibility—I described an ethic of care and response that I contrasted with an ethic of justice and rights. I also cited as an empirical observation the prominence of the care perspective in women's moral thinking. . . . Studies by [Gilligan, Lyons and Langsdale] confirm and refine the 'different voice' hypothesis by demonstrating that: (1) the justice and care perspectives are distinct orientations that organize people's thinking about moral problems in different ways; (2) boys and men who resemble those most studied by developmental psychologists tend to define and resolve moral problems within the justice framework, although they introduce considerations of care; and (3) the focus on care in moral reasoning, although not characteristic of all women, is characteristically a female phenomenon in the advantaged populations that have been studied. These findings provide an empirical explanation for the equation of moral judgment with justice reasoning in the theories derived from studies of males; but they also explain why the study of women's moral thinking changes the definition of the moral domain" (Carol Gilligan, "Reply to Critics [1986]," in Larrabee, 207, 208, 212).

7. Regarding the empirical basis for Gilligan's claims see, among others, Sharry Langsdale, "Moral Orientations and Moral Development," doctoral dissertation, Harvard Graduate School of Education, 1983; Nona Plessner Lyons, "Two Perspectives: On Self, Relationships, and Morality," *Harvard Educational Review* 53:2 (1983), 125–145; Michael W. Pratt, Gail Golding, William Hunter, and Rosemarie Sampson, "Sex Differences in Adult Moral Orientations," *Journal of Personality* 56 (1988), 373–391; Michael W. Pratt, Mark Pancer, Bruce Hunsberger, and Judy Manchester, "Reasoning about the Self and Relationships in Maturity: An Integrative Complexity Analysis of Individual Differences," *Journal of Personality and Social Psychology* 59 (1990), 575–581; Eva E. Skoe and Rhett Diessner, "Ethic of Care, Justice, Identity, and Gender: An Extension and Replication," *Merrill–Palmer Quarterly* 40 (1994), 272–289.

8. The primary study that suggests the connection between "ethical voice" and "self" is by Lyons. Also see Nancy J. Stiller and Linda Forrest, "An Extension of Gilligan and Lyon's Investigation of Morality: Gender Differences in College Students," *Journal of College Student Development* 31 (1990), 54–63. For a study that explores the connections between the unconscious, safety, danger, and ethical voice, see Susan Pollak and Carol Gilligan, "Images of Violence in Thematic Apperception Test Stories," *Journal of Personality and Social Psychology* 42 (1982), 159–167.

9. In only a small percentage of Lyons' subjects were the themes mixed, with individuals defining themselves equally "connected" and "separate." Pratt *et al.*, "Reasoning about the Self," found a higher percentage of "mixed."

10. Baier writes, "[A] look [at what sort of contributions women have made to moral philosophy] confirms, I think, Gilligan's findings. What one finds *is* a bit different in tone and approach from the standard sort of moral philosophy as done by men following in the footsteps of the great moral philosophers (all men). . . . I seem to hear a different voice from the standard moral philosophers' voice. I hear the voice Gilligan heard, made reflective and philosophical" (Annette C. Baier, "What Do Women Want in a Moral Theory?" reprinted in Larrabee, 19–20). Baier refers to the work of Phillipa Foot, Elizabeth Anscombe, Iris Murdoch, Ruth Barcan Marcus, Jenny Teichman, Susan Wolf, Claudia Card, Sabrina Lovilbond, Gabriele Taylor, Cora Diamond, Mary Midgeley, Sissela Bok, Virginia Held, Alison Jaggar, and Marilyn Frye.

11. Baier observes, "The great and influential moral theorists have in the modern era taken obligation as the key and the problematic concept, and have asked what justifies treating a person as morally bound or obliged to do a particular thing. Since to be bound is to be unfree, by making obligation central one is forcing or trying to force someone to act in a particular way" (22). However, as effective as this concept is, she continues, "as Aristotelians and Christians, as well as women, know, there is a lot of morality not covered by that concept, a lot of very great importance even for the area where there are obligations" (22)—for example, the obligation to love and properly care for one's children. Moreover, she suggests that by "concentrating on obligations, rather than virtues, modern moral theorists have chosen to look at the cases where more trust is placed in enforcers of obligations than is placed in ordinary moral agents, the bearers of the obligations. . . . Morality on this model becomes a nasty, if intellectually intriguing, game of mutual mutually corrective threats. The central question of who should deprive whom of what freedom soon becomes the question of whose anger should be dreaded by whom (the theory of obligation), supplemented perhaps by an afterthought on whose favor should be courted by whom (the theory of the virtues)" (29–30).

12. Baier, 30.

13. Deborah L. Wells and Beverly J. Kracher, "Justice, Sexual Harassment, and the Reasonable Victim Standard," *Journal of Business Ethics* 12 (1993), 423–431. Wells and Kracher defend the controversial position of some jurists that the proper standard for assessing when an environment is "hostile and intimidating" is the point of the view of the "reasonable victim," rather than the traditional standard of the "reasonable person." They assert that "only by identifying sexually hostile environments from the perspective of the reasonable victim will a workplace policy be practical and just" (427).

14. Wells and Kracher claim that by violating a principle of equal opportunity, "hostile environment" sexual harassment violates Rawls' "difference principle." The authors also argue that it violates two of Rawls' "natural duties": the duty not to harm the innocent and the duty to show mutual respect to persons (426–427).

15. Wells and Kracher, 427.

16. Wells and Kracher, 428.

17. An earlier discussion by Dodds, Frost, Pargetter, and Prior also discusses sexual harassment from the perspective of an ethic of justice (Susan M. Dodds, Lucy Frost, Robert Pargetter, and Elizabeth W. Prior, "Sexual Harassment," *Social Theory and Practice* 14 [1988], 111–130, reprinted in Thomas I. White (ed.), *Business Ethics: A Philosophical Reader* [New York: Macmillan, 1993], 674–685). As with Wells and Kracher, this analysis of sexual harassment places great weight on the rights and dignity of the free, autonomous individual. The classic case of sexual harassment is of "Bill threatening Mary with sex she does not want" (674). The authors discuss the extent to which sexual harassment involves discrimination, abuse of power, sexual inequality, and "the behavior which is typically associated with a mental state representing an attitude which seeks sexual ends without any concern for the person from whom those ends are sought, and which typically produces an unwanted and unpleasant response in the person who is the object of the behavior" (Dodds *et al.*, 674–679). The discussion of sexual harassment by Larry May and John C. Hughes ("Is Sexual Harassment Coercive?" in Gertrude Ezorsky [ed.], *Moral Rights in the Workplace* [Albany, NY: SUNY Press, 1987], 115–122) objects to sexual harassment

on similar grounds: that it is "inherently coercive . . . and contributes to a pervasive pattern of discrimination and exploitation based on sex." May and Hughes focus exclusively on situations in which the harasser has greater power and authority than the victim. As with the two articles discussed above, what is at stake is largely the freedom of the victim and the victim's rights to be treated the same as nonvictims.

The most recent discussion of the ethical issues involved in sexual harassment is Linda LeMoncheck and Mane Hajdin's dialogue. LeMoncheck identifies sexual harassment as a "violation of sexual integrity" that results from a failure to accord another "care respect" (60). Hajdin simply rejects the concept as useless and badly formed (99). Despite the fact that LeMoncheck's discussion is among the best discussions of this topic, it provides, in my opinion, insufficient detail about the type of harm she alleges because her approach is largely grounded in a traditional consideration of rights and duties.

Other available essays have a similar failing. For example, Crosthwaite and Swanton define sexual harassment in terms of "inadequate consideration of the interests of the person subject to it" (Jan Crosthwaite and Christine Swanton, "On the Nature of Sexual Harassment," *Australasian Journal of Philosophy* 64 [June 1986], 100). And Paetzold and Shaw simply debate the merits of the "reasonable woman" standard (Ramond L. Paetzold and Bill Shaw, "A Postmodern Feminist View of 'Reasonableness' in Hostile Environment Sexual Harassment," *Journal of Business Ethics* 13 [1994], 681–691).

18. Wells and Kracher, 427–428.

19. Dodds *et al.*, 678.

20. "Consider Mary B who is sexually harassed by Bill B. Mary B gives in, but as luck would have it, things turn out extremely well; Mary B is promoted by Bill B to another department. The long-term consequences are excellent, so clearly it has been in Mary B's best interests to be the object of Bill B's attentions" (Dodds *et al.*, 676).

21. May and Hughes are sensitive to the fact that sexual harassment makes the victim feel afraid and less secure in his or her job and that it may harm the victim's self-image. But the primary tangible harm they identify is that sexual harassment will perpetuate sexual discrimination.

22. The character of the individual's reaction to hostile environment harassment appears to vary from person to person. Such factors as the nature and extent of the harassment, the context, the victim's emotional history, the presence of sexual abuse in his or her past, and the like will produce different reactions in different individuals. (LeMoncheck is one of the few writers to recognize the significance of and work with this fact. She argues that because "sexual harassment is experienced differently by different women and men and can be experienced differently by the same person over the course of a single life," a "linear continuum that presumes a static and objective measure of the severity of forms of victimization" needs to be replaced by "overlapping conceptual and normative frames of sexual violation" [49].) While this is one of the reasons that sexual harassment is often a particularly difficult matter to identify and handle in an organizational setting, this point is ultimately irrelevant to our discussion. This essay argues simply that the seriousness of these reactions is better recognized by an ethic of care than by an ethic of justice.

23. Paetzold and Shaw observe, "[T]he law of sexual harassment needs to recognize that hostile environment sexual harassment results from society's differential distribution of power and status between men and women, and the male presumption of privilege. In particular, a history of male power and dominance in organizations leads to behaviors that function to maintain that privileged status. Sexual harassment signifies to women that their presence is threatening to the dominant patriarchal order, that *they* are unwelcome, and works to maintain gender stratification" (684).

24. From this point of view, then, Dodds *et al.*'s hypothetical scenario of an instance of sexual harassment that ultimately is in the best long-term interests of the victim is inconceivable. No matter what professional success the victim may ultimately enjoy, it could never restore his or her original sense that, for all of its annoyances and frustrations, the workplace is essentially a safe place. In addition, because of the pervasiveness of sexual harassment in the workplace, it is hard to imagine that getting a promotion and being away from the harasser would leave a victim with the idea that he or she was safe from this ever happening again.

25. It is important to note, by contrast, that this is *not* the case with individuals with "autonomous" selves. For them, their sense of safety and equilibrium depends on ensuring distance between themselves and others. Feelings of distrust are even helpful in this regard. Of course, "autonomous" individuals have a different set of vulnerabilities to which "connected" individuals are not subject. But that issue is beyond the scope of this essay.

26. The differences between autonomous and connected selves in the psychological mechanisms that are readily relied upon by each in the face of harassment are generally ignored. This is most apparent in the debate about what constitutes appropriate signs that a woman found a situation "unwelcome." Paetzold and Shaw write, "[I]n *Highlander v. K. F. C. National Management Co.*, the plaintiff could not sufficiently demonstrate the offensiveness of a sexual touching by a supervisor even though she had promptly reported the incident to her manager. Her own more personal responses to the incident—verbally downplaying its importance and indicating a willingness to minimize it—seemed to the court the antithesis of appropriate responses to behavior that is indeed unwelcome. An 'objective' element seems to have informed the court's opinion that the sexual touching could not have been unwelcome, allowing the court to discount the plaintiff's subjective claim of how she had actually experienced the behavior. In other words, her verbal commentary to coworkers about the incident was seen as *unreasonable* for someone who had experienced unwelcome sexual harassment" (682). However, owing to the nature of the emotional dynamic in the unconscious, a "connected" self may feel much greater fear in such a situation and be less comfortable with an immediately confrontational response than an "autonomous" self would. Because the latter experiences greater gratification in actions that separate them from others, "autonomous" individuals may be more comfortable with a response (loud, angry, verbal, and confrontational) that, in general, can alienate people around you. Confrontation is more of a two-edged sword for anyone with a connected self: it may make one feel safer on one front (confronting a threat) while making one feel less safe on another front (weakening the "web" by severing a relationship). LeMoncheck recognizes some aspects of this point when she writes that "a woman's fears of reprisal (including suspensions, transfers, formal reprimands, and exclusion from plum assignments by others who have been threatened by her harasser), her fears of not being believed, her distrust of any procedures designed to investigate the harassment, her own embarrassment at her predicament, and even her reluctance to hurt her harasser all militate against the sexual harassment ever being complained about at all. (Ironically, her lack of complaint is then used to show that 'it was no big deal.')" (22).

27. LeMoncheck, 12, 18, 65.

28. Among the symptoms of these stress disorders are included, for example, "marked avoidance of stimuli that arouse recollections of the trauma (e.g., thoughts, feelings, conversations, activities, places, people)"; "marked symptoms of anxiety or increased arousal (e.g., difficulty sleeping, irritability, poor concentration, hypervigilance, exaggerated startle response, motor restlessness)"; "significant distress or impairment in social, occupational, or other important areas of functioning" (American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition [Washington, DC: American Psychiatric Association, 1994], 309.81 [posttraumatic stress disorder] and 308.3 [acute stress disorder]).

29. Lyons claims that the men in her study tend to evidence "separated" selves and prefer a "morality of rights" while the women tend to evidence "connected" selves and prefer a "morality of response and care."