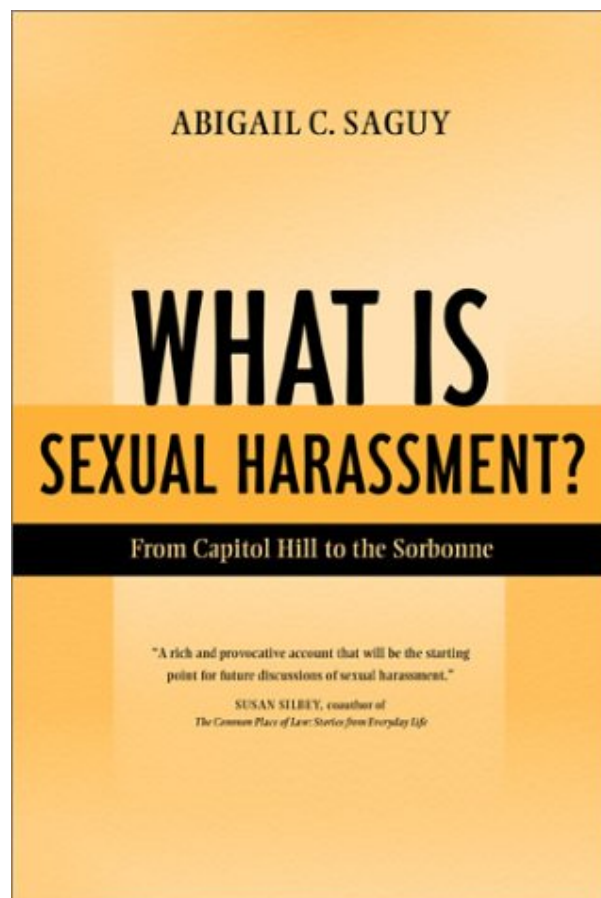


WHAT IS SEXUAL HARASSMENT?: FROM CAPITOL HILL TO THE SORBONNE BY ABIGAIL C. SAGUY



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From Capitol Hill to the Sorbonne

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SUSAN SLEBY, coauthor of
The Common Place of Law: Stories from Everyday Life

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In France, a common notion is that the shared interests of graduate students and their professors could lead to intimate sexual relations, and that regulations curtailing those relationships would be both futile and counterproductive. By contrast, many universities and corporations in the United States prohibit sexual relationships across hierarchical lines and sometimes among coworkers, arguing that these liaisons should have no place in the workplace. In this age of globalization, how do cultural and legal nuances translate? And when they differ, how are their subtleties and complexities understood? In comparing how sexual harassment—a concept that first emerged in 1975—has been defined differently in France and the United States, Abigail Saguy explores not only the social problem of sexual harassment but also the broader cultural concerns of cross-national differences and similarities.

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Interdisciplinary legal scholarship at its best

By Paul Campos

For more than 100 years, starting with Oliver Wendell Holmes' famous essay "The Path of the Law," American legal scholars have bemoaned the lack of a serious sociological jurisprudence, that would treat law as a social phenomenon, rather than as a conceptual game or an opportunity to indulge in covert advocacy disguised as scholarship.

Holmes was merely the first in a long line of legal thinkers to ignore his own advice (in his 30-year judicial career, he did basically nothing to advance any serious interdisciplinary study of law).

In her new book, Abigail Saguy demonstrates how a rigorous sociological investigation of a now-common legal concept from a comparative perspective can yield all sorts of insights into the nature of the politics of law.

Saguy compares the concepts of sexual harassment as they have been developed by the American and French legal systems. Part of the book's value is how it reminds us that what now seems like a central concept of American, and to a much lesser extent, French, law, was something that literally did not even exist 30 years ago. She traces the genesis of the concept in the feminist movements of the 1960s and 1970s, and describes how the concept has taken significantly different forms in France and America.

Her interviews with numerous prominent legal and political actors in both countries are fascinating, as is her analysis of the factors that have led to sexual harassment being framed as a form of sex discrimination in America, and a crime of violence (albeit a widely ignored one) in France.

While Saguy's methods are markedly empirical, she does not overwhelm the reader with statistics. Rather, she weaves an engrossing narrative, that will interest lawyers, legal scholars, especially those with interests in comparative law, employment law, and gender politics, sociologists, political activists, and anyone else who is concerned with the use and abuse of sexual power in the workplace. (Among the many taken-for-granted issues Saguy helps clarify is the apparent arbitrariness involved in limiting the concept of sexual harassment to workplace interactions).

This is a terrific book. If the academy produced more work like this, we wouldn't be suffering our current

embarrassment of being able to read "The Path of the Law" 103 years after its publication with such a distinct sense of plus ca change . . .

2 of 2 people found the following review helpful.

Assistant Professor of Sociology, Princeton University

By Sara R. Curran

Saguy's book accomplishes much and does so in an accessible and sophisticated way. I have used it to teach my undergraduates in an introductory gender course and they found it compelling and powerful. For them it opens up a black box of taken for granted assumptions about the relationship between gender and policy. It shows how gender shapes cultural and institutional arrangements, which in turn influences policy form and implementation, which in turn affects policy impacts and social change. The study does so with thoughtful analyses of indepth interviews of lawyers and human resource personnel, media analyses, and key informant interviews. My undergraduates thoroughly enjoyed the book and frequently referred to it in later discussions and essays. It had clearly impressed them. I will certainly use it in future courses.

I could also easily see using this book to teach about public policy. It is an excellent exemplar for social policy analysis. This is a beautifully written, excellent comparative analysis, and powerfully insightful study of how policies evolve in different contexts, yielding profoundly different implementation and impacts for individuals and society. In this way it can be useful not only for those interested in the specifics of the topic, but also for those interested in the broader questions of policy making, implementation and consequences.

Finally, I was recently at the University of Florida when Saguy's book came up in a conversation about women's studies. What is Sexual Harassment was to one of the senior scholars "a wonderful 'next generation' piece of scholarship" for future women's studies scholars to emulate.

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