



*Annual Review of Criminology*  
Toward a Criminology of  
Sexual Harassment

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Annu. Rev. Criminol. 2021. 4:15.1–15.19

The *Annual Review of Criminology* is online at  
criminol.annualreviews.org

<https://doi.org/10.1146/annurev-criminol-011419-041436>

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### Keywords

sexual harassment, sexual violence, life course, gender

### Abstract

Public attention to sexual harassment has increased sharply with the rise of the #MeToo movement, although the phenomenon has sustained strong scientific and policy interest for almost 50 years. A large and impressive interdisciplinary scholarly literature has emerged over this period, yet the criminology of sexual harassment has been slow to develop. This review considers how criminological theory and research can advance knowledge on sexual harassment—and how theory and research on sexual harassment can advance criminological knowledge. We review classic and contemporary studies and highlight points of engagement in these literatures, particularly regarding life-course research and violence against women. After outlining prospects for a criminology of sexual harassment that more squarely addresses perpetrators as well as victims, we discuss how criminological insights might contribute to policy efforts directed toward prevention and control.



## INTRODUCTION

Workplace sexual harassment is as old as the workplace itself, although public and legal recognition of the phenomenon is scarcely a half-century old. Public discussion of sexual harassment as a social problem began to emerge in the late 1960s and early 1970s, as women's participation in the labor force was rising. In this period, feminist activists and attorneys argued that sexual harassment should be considered a form of sex discrimination under Title VII of the Civil Rights Act of 1964 (Brownmiller 1999). These efforts helped bring a longstanding problem to light, demonstrating how the workplace is fraught with coercive sexualized interactions. The 1976 case of *Williams v. Saxbe* (1976) marked “the first occasion on which a federal judge held that sexual advances coupled with retaliation for their refusal constituted actionable sex discrimination” (MacKinnon 1979, p. 63). Soon after, books such as Lin Farley's (1978) *Sexual Shakedown* and Catharine MacKinnon's (1979) *Sexual Harassment of Working Women*, pushed the issue further into public view and onto the political and scholarly agenda. By 1986, the US Supreme Court had officially recognized “hostile work environment” sexual harassment as a form of sex discrimination under Title VII of the Civil Rights Act in *Meritor Savings Bank v. Vinson* (1986).

Previous reviews of sexual harassment research have been situated in associated social science disciplines. Welsh's (1999) thorough *Annual Review of Sociology* article and Tenbrunsel et al.'s (2019) education-focused *Annual Review of Psychology* piece both aimed to synthesize the literature on the correlates of sexual harassment and identify gaps to address in future research. Khan et al. (2020) recently reviewed the related literature on sexual assault in the *Annual Review of Criminology*, calling for better integration of sexual assault research and criminological research. Our review aims to provide a contemporary picture of sexual harassment research within and beyond criminology, situate this scholarly work in a larger societal/legal/cultural context, and outline opportunities for greater engagement between criminology and sexual harassment scholarship.

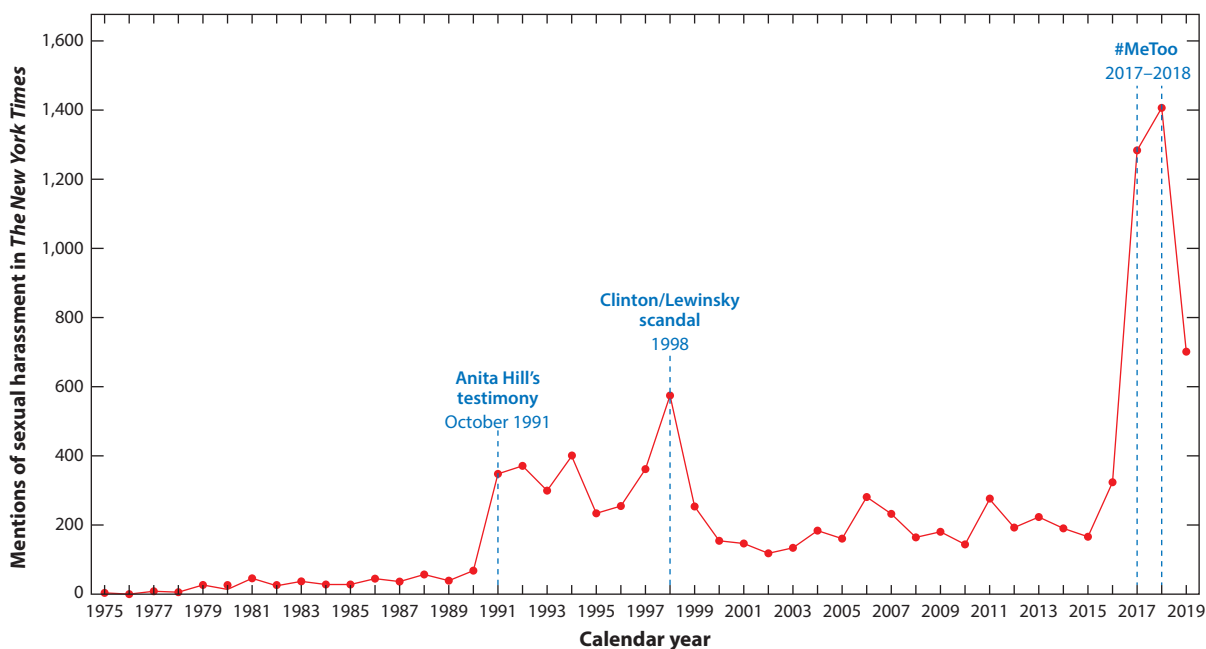
Throughout, we ask how criminological theory and research can advance knowledge on sexual harassment—and how theory and research on sexual harassment can advance criminological knowledge. After noting the waves of public attention to the issue, we briefly review classic and contemporary research on sexual harassment, with an eye toward theory, legal and scientific definitions, measurement, prevalence, and predictors. We then focus on points of connection within criminology, including research on violence and the life course. Finally, the review concludes with a policy discussion, emphasizing the connection between criminological theory and research and the effective prevention and control of sexual harassment.

## SEXUAL HARASSMENT AND THE #METOO MOMENT

### Public Attention

Since the 1970s, scholarly and public attention to sexual harassment has ebbed and flowed with historical events. **Figure 1** shows a count of *New York Times* newspaper articles containing the phrase sexual harassment since 1975, when the term first appeared in print. The sudden rise in 1991 to 1992 reflects the reaction to Anita Hill's testimony at Clarence Thomas's Supreme Court confirmation hearings in October 1991. A second spike occurred in 1998, coinciding with the Bill Clinton/Monica Lewinsky scandal. In 2017 and 2018, these earlier levels of attention were surpassed by the unprecedented coverage the issue received in the first years of the #MeToo period (Burke 2017). These levels began to dip in 2019, however, suggesting that the intense public and media attention of the early #MeToo era may be waning. It remains to be seen whether a norm cascade has been engendered and whether, in response to that cascade, individual, organizational, and societal behavior will change.





**Figure 1**

Annual mentions of “sexual harassment” in *The New York Times* from 1975–2019 show spikes during the Thomas/Hill, Clinton/Lewinsky, and #MeToo eras.

Apart from short-term fluctuations, however, public consciousness of sexual harassment has risen dramatically in recent decades and for recent cohorts of workers (Uggen & Shinohara 2009). As is the case with other categories of crime and deviance, however, public use of the term sexual harassment does not always match legal or sociological definitions of the phenomena. Furthermore, confusion over what counts as harassment, who is at risk of experiencing it, and the appropriate terminology to describe it has raised concerns about potential overreach and backlash (Tinkler 2012). A diverse interdisciplinary literature now engages such questions, although such work could benefit greatly from sustained criminological attention to issues of measurement, offending, victimization, and punishment.

### Foundations of Sexual Harassment Theory and Research

We briefly highlight some key touchstones in the general literature on sexual harassment before proceeding to criminological research on the subject. Feminist legal scholar Catherine Mackinnon’s (1979) *Sexual Harassment of Working Women: A Case of Sex Discrimination* remains the foundational and most-cited work in the field. Early research focused on workplace sex ratios and sex-role spillover, particularly for women confronting sexual harassment in male-dominated fields (Gutek & Morasch 1982). In a series of influential studies, psychologist Louise Fitzgerald and colleagues have systematically examined the incidence (Fitzgerald et al. 1988), measurement (Gelfand et al. 1995), organizational context (Hulin et al. 1996), and effects (Fitzgerald et al. 1997) of sexual harassment. More recently, sexual harassment research has addressed academic settings (Pellegrini 2002, *Natl. Acad. Sci. Eng. Med.* 2018), life-course processes (Uggen & Blackstone 2004), and the kinship between harassment, bullying, and gender-based violence (Lim & Cortina 2005).

By the late 1990s, legal scholars such as Vicki Schultz (1998, 2003) began challenging the prevailing paradigm that centers sexuality and male–female sexual advances, rather than gender-based hostility, at the core of the paradigm. Sociologists also observed that workers in some settings may experience some sexualized interactions as tolerable or pleasurable (e.g., Williams 1997). Since the early 2000s, researchers have increasingly studied sexual harassment under the broader umbrellas of workplace bullying (e.g., Hodson et al. 2006) and gender-based workplace discrimination (e.g., Bobbitt-Zeher 2011).

### Legal and Criminological Definitions and Measurement

It was not until 1986 that the US Supreme Court recognized hostile work environment sexual harassment—in which unwelcome sexual advances or verbal or physical sexual conduct unreasonably interferes with a person's job or create an intimidating or offensive work atmosphere (*Meritor v. Vinson* 1986). A severe or pervasive legal standard applies to the definition of a hostile work environment, such that harassment may be established by a single serious incident or a pattern of less severe, but repeated, behaviors. To assess this standard, measures of sexual harassment must examine the overall pattern of diverse workplace behaviors as well as their severity. The Supreme Court also recognizes quid pro quo harassment in which sexual demands are made a condition of employment or a basis for employment decisions (see Welsh 1999) and other cases thus set a relatively high legal standard for establishing sexual harassment, which remains largely in place today: unreasonable interference with employment or educational opportunities.

Social scientists have focused more on harassing behaviors than the legal standard of unreasonable interference. Researchers generally adopt four basic approaches to measuring sexual harassment rates: (a) victimization surveys that ask about potentially harassing behaviors, (b) victimization surveys that specifically ask about sexual harassment, (c) self-report surveys of offending, and (d) official reports of harassment to institutional or legal authorities.

First, surveys of sexual harassment often ask people to report whether they have experienced a checklist of potentially harassing behaviors at work. These include conduct such as offensive jokes, repeated requests for dates, invasion of personal space, unwanted touching, staring or leering, and exposure to offensive pictures, posters, or other material. A second approach assesses participants' subjective understanding of harassment, asking workers more specifically whether they have experienced sexual harassment on the job, typically over the past year, five years, or over their working lives. Such data are akin to annual or lifetime reports of crime victimization. Third, a small number of harassment studies have gathered observational and self-report information from perpetrators themselves (Page & Pina 2015, Quinn 2002). Such work shows how sexually harassing behaviors such as “girl watching” are often normalized or treated as harmless fun (Quinn 2002). Finally, a large literature examines official complaints, either within organizations or to external agencies such as the Equal Employment Opportunity Commission (EEOC) (McCann et al. 2018).

### Prevalence

Prevalence estimates of sexual harassment vary wildly, depending on how it is measured. This is due, in part, to rapidly evolving shifts in reporting, legal consciousness, and mobilization (Blackstone et al. 2009, Marshall 2001). When asked, people can generally recall whether they have experienced particular behaviors, such as unwanted sexual touching, staring or leering, or unwanted sexual jokes about themselves. The prevalence of low-level behaviors such as sexual joking is quite high—often exceeding 50% of workers. Neither scholars nor the targets of harassment define the phenomenon by the occurrence of a single inappropriate remark or behavior.



Instead, researchers construct scales, indices, factors, or latent classes (e.g., Uggen & Blackstone 2004) based on several experiences or behaviors.

Many surveys also ask directly about subjective sexual harassment, or whether participants believe they have experienced sexual harassment. Simply identifying and labeling a behavior requires some degree of awareness of the phenomenon and consciousness of the rules prohibiting it. Official reports of harassment are comparatively infrequent because they depend on mobilization as well as consciousness. Many targets never tell anyone about their harassment experiences, some tell friends or family members, others notify coworkers or supervisors, and a much smaller number consult attorneys or make official complaints. Sexual harassment complaints can thus be visualized as a leaky funnel, with a large volume of harassing experiences entering at one end and a much smaller number of lawsuits emerging at the other. Targets are often reluctant to lodge formal complaints because they fear retaliation or disruption in their careers, or they believe the processes and likely outcomes will be inadequate (Hart 2019). These concerns appear to be well-founded. A recent study of US EEOC cases concludes that most targets benefit little from the process: Only 27% of filers received any benefit, the median award is \$10,000, and only 12% led to a managerial agreement to change workplace practices (McCann et al. 2018).

As is the case with crime and victimization data, the highest prevalence of sexual harassment is observed in studies using self-reported rather than official measures. Across all data sources, women are generally subject to more frequent and severe forms of sexual harassment than men (Welsh 1999); up to 85% of women report behaviors such as unwanted touching, leering, and offensive sexual joking at work. Lower rates are observed for subjective harassment than for exposure to harassing (or potentially harassing) behaviors. In the US General Social Survey (GSS), which asks direct single-item questions, approximately 4–7% of female workers and 1–3% of male workers report having experienced sexual harassment in a given year. Overall, about 19% of women and 16% of men reported some kind of harassment at work over the past five years (including bullying or abuse) in the 2016 GSS. In our Minnesota Youth Development Study, approximately 33% of women and 14% of men had experienced behavior at work that they defined as sexual harassment by age 25 to 26 (Uggen & Blackstone 2004). Rates of self-reported sexual harassment are thus much higher for cumulative or lifetime measures than for past-year measures.

Not surprisingly, these numbers far exceed the official complaints registered with agencies such as the EEOC. For fiscal year 2019, the agency received 7,514 charges alleging sexual harassment, about 17% of which were filed by males. The number of charges has risen modestly in the recent #MeToo era (up from 6,696 in FY17), although overall charges were actually higher in the recent past (7,944 in FY10). As is generally the case with crime measures, the relatively modest official statistics obscure a much larger dark figure of unreported sexual harassment.

## Predictors

Previous reviews of sexual harassment and sexual assault (Khan et al. 2020, Tenbrunsel et al. 2019, Welsh 1999) call for an ecological understanding of sexual violence, identifying correlates and causes at the individual, relational, organizational, and societal levels of analysis. A closely related framework, known as the social–ecological model, is often used by criminologists studying gender-based victimization and is advocated by the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO) to understand the causes of violence and inform prevention efforts.

At the individual level, women are more often the victims of sexual harassment and men are more often the perpetrators (Cortina & Berdahl 2008, O’Leary-Kelly et al. 2009). Sexual harassment is intersectional, with racial minorities likely to experience sexual harassment at higher rates



than whites and racial minority women at particular risk (Berdahl & Moore 2006). Likewise, indicators of advantage and disadvantage, such as workplace power, are also associated with sexual harassment victimization (McLaughlin et al. 2012). Research in both the workplace (Uggen & Blackstone 2004) and campuses (Cantor et al. 2015, Konik & Cortina 2008) suggests that sexual minorities are at heightened risk of victimization, although more research is needed in other institutional and occupational settings (Brassel et al. 2019).

Sexual harassment occurs across a diverse range of job settings (Collinson & Collinson 1996, Dellinger & Williams 2002, Giuffre & Williams 1994). Although the effect of numerical sex ratios has been debated (Welsh 1999), many studies find that harassment, of both men and women, most often occurs in male-dominated work settings (Fitzgerald et al. 1997, Mansfield et al. 1991, Rospenda et al. 1998, Uggen & Blackstone 2004). On the basis of the extant literature, it is difficult to determine whether these organization-level correlates are a function of individual-level aggregation or represent organizational climates conducive to sexual harassment. For example, research on the military, a traditionally male-dominated work setting, finds that units characterized by a more sexist occupational climate also had more self-reports of sexual harassment (Harris et al. 2018). Likewise, appropriate formal responses, and more importantly, informal systems that convey organizational intolerance of sexual harassment, are among the strongest predictors of its occurrence (Nelson et al. 2007, Miner-Rubino & Cortina 2004, Pryor et al. 2017).

Of course, individuals and organizations are embedded in a larger cultural context and gender system that has long condoned sexual harassment and sexual violence (Connell 1987). After all, a main impetus of the #MeToo movement has been to challenge cultural norms and empower individuals, institutions, and policy makers to address sexual harassment and assault. To the extent this movement is successful, we should expect at least a short-term rise in reports of sexual harassment. Across diverse organizational contexts (e.g., workplaces, campuses, military), such reports of sexual harassment indicate greater empowerment among targets and greater acknowledgment and condemnation among institutions.

### Extant Criminology Literature

Although the interdisciplinary literature on sexual harassment is rich and varied, the criminological literature on the topic is much smaller. To illustrate how sexual harassment has been engaged in criminological outlets, **Table 1** shows the total number of articles in which “sexual harassment” appears in either the title or the keywords of prominent general criminology, criminal justice, and related journals (based on a Google Scholar search last updated in February 2020). As shown, many major criminology outlets have not published a piece on sexual harassment and only two journals have published more than one article on sexual harassment. Of the eleven articles published in these outlets, approximately half ( $n = 6$ ) pertain to the sexual harassment of criminal justice actors (i.e., law enforcement and correctional officers).

To date, the primary criminological outlets for research on sexual harassment have been in multidisciplinary violence journals, including *Aggression and Violent Behavior*, the *Journal of Interpersonal Violence*, and *Violence Against Women*. For example, the *Journal of Interpersonal Violence* has published 28 articles in which sexual harassment has appeared in the title or keywords. These three publications also account for eight of the ten most-cited articles on sexual harassment in criminology-related journals. **Table 2** shows the ten most-cited articles in these outlets.<sup>1</sup> Several

<sup>1</sup>Note that *Aggression and Violent Behavior* is a review journal and a higher number of citations is therefore to be expected.





**Table 1 Sexual harassment studies in criminology journals (authors' analysis of Google Scholar citations, as of February 2020)**

Journal	Number of articles
<i>American Journal of Criminal Justice</i>	5
<i>The British Journal of Criminology</i>	1
<i>Crime &amp; Delinquency</i>	1
<i>Criminal Justice and Behavior</i>	0
<i>Criminology</i>	0
<i>Criminology &amp; Public Policy</i>	0
<i>Journal of Crime and Justice</i>	0
<i>Journal of Criminal Justice</i>	2
<i>Journal of Experimental Criminology</i>	1
<i>Journal of Research in Crime and Delinquency</i>	0
<i>Journal of Quantitative Criminology</i>	0
<i>Justice Quarterly</i>	1
<i>Theoretical Criminology</i>	0

of these studies focus on adolescent victimization as opposed to workplace sexual harassment or harassment of criminal justice professionals. Four of the most-cited articles explicitly focus on youth victimization and/or school settings.

From this review, we may draw a few basic conclusions about criminology's current engagement with sexual harassment. Sexual harassment has sometimes been included within the jurisdiction of criminology but to a small degree and largely within multidisciplinary journals focused on violence. These journals intersect with other social science disciplines that contribute more frequently to the sexual harassment literature. Furthermore, the focus on these studies has been on younger ages, where sexual harassment is either explicitly or implicitly associated with bullying as a broader form of victimization. Within general criminology journals, there has been some attention to occupational sexual harassment, but it has been restricted to criminal justice agencies and actors. And relatively few pieces have addressed the organizational determinants and legal considerations that have dominated the more general literature on sexual harassment.

## BLURRED LINES: CRIMINOLOGICAL JURISDICTION AND SEXUAL HARASSMENT

### Sexual Harassment as Discrimination and Violence

Workplace sexual harassment often involves nonconsensual sexual contact, in violation of many criminal sexual conduct codes. To date, however, such behavior has rarely been criminalized in the United States, even in scenarios that would likely have drawn criminal charges had they occurred outside the workplace.

Defining sexual crime, and the purview and professional jurisdiction of criminologists more generally, has always been a fluid and difficult endeavor, as such definitions are produced in specific historical and legal contexts. The criminal regulation of sexual and workplace activities have thus varied greatly over space and time. For example, sexual assault/battery laws have changed substantially over the past few decades. Historically, rape was narrowly defined as the forcible vaginal penetration of women by men who were not marital partners. Beginning in the mid-1970s, marital rape exceptions began to be withdrawn or declared unconstitutional, although some state statutes continue to differentiate between spousal and nonspousal rape. Over the past 30 years, state laws



**Table 2 Ten most-cited articles with “sexual harassment” in title, appearing in criminology, criminal justice, and related journals (authors’ analysis of Google Scholar citations, as of February 2020)**

Year	Title	Author(s)	Journal	Cites
2008	When the Customer Is Wrong: A Review of Research on Aggression and Sexual Harassment in Service Encounters	D. Yagil	<i>Aggression and Violent Behavior</i>	279
1997	Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong	S.K. Cho	<i>Journal of Gender Race &amp; Justice</i>	231
1999	Gender and Power Issues of Peer Sexual Harassment Among Teenagers	S. Fineran & L. Bennett	<i>Journal of Interpersonal Violence</i>	194
2009	An Overview of the Literature on Sexual Harassment: Perpetrator, Theory, and Treatment Issues	A. Pina, T.A. Gannon, B. Saunders	<i>Aggression and Violent Behavior</i>	185
2007	The Impact of Bullying and Sexual Harassment on Middle and High School Girls	J.E. Gruber & S. Fineran	<i>Violence Against Women</i>	179
2000	Women’s Hostility Toward Women and Rape and Sexual Harassment Myths	G. Cowan	<i>Violence Against Women</i>	139
2005	Bullying and Sexual Harassment Among Brazilian High School Students	E.R. DeSouza & J. Ribeiro	<i>Journal of Interpersonal Violence</i>	126
1998	Sexual Harassment: A Review of the Literature	W. O’Donohue, K. Downs, E.A. Yeater	<i>Aggression and Violent Behavior</i>	107
1987	Women’s Experiences of Sexual Harassment: Some Implications for Their Fear of Crime	M. Junger	<i>British Journal of Criminology</i>	99
2006	Risk Factors for Peer Sexual Harassment in Schools	S. Fineran & R.M. Bolen	<i>Journal of Interpersonal Violence</i>	91

have been expanded to include men as victims, acknowledge a wider range of assaultive behaviors, and remove the requirement that assaults must involve physical force. In 2013, the Federal Bureau of Investigation (FBI) changed its definition for the Uniform Crime Reporting Program (UCR) to, “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (FBI 2014). In many jurisdictions, criminal sexual conduct is further classified by degree, ranging from felony-level sexual assault to misdemeanor-level lewd conduct.

Adding to this complexity, offending behavior is subject to an array of sanctions, many of which fall outside the criminal code. Perhaps the most familiar and pertinent example is Edwin Sutherland’s (1940, 1949) reconceptualization of white-collar and organizational crime. Sutherland argued that the creation of laws was largely a function of political, social, and economic power, such that many offenders may evade legal scrutiny. Although certainly not unchallenged (Tappan 1947), this broad framework helped to reshape the study of white-collar and corporate law violations (Simpson 2019). Furthermore, it has empowered criminologists to examine behaviors





subject to civil and administrative sanctions as analogous behaviors that cause individual and societal harm.

Sutherland's efforts to bring white-collar crime within the scope and jurisdiction of criminology may provide an apt pathway for scholars of sexual harassment. As Saguy (2000) discussed in her comparison of US and French sexual harassment laws, the criminalization of sexual harassment is a function of political and social forces and opportunities. In the United States of the 1970s, sexual harassment was introduced as a form of sex discrimination, subject to civil fines and penalties. Feminist advocates drew from existing discrimination laws and argued that sexual harassment was a form of sexual discrimination in which the victim was targeted because of her sex and the behavior itself contributes to gender inequality.

In France, sexual harassment was defined in a 1992 penal statute as a coercive abuse of power and form of sexual violence akin to rape (Saguy 2000, 2003).<sup>2</sup> It was thus subject to criminal sanctions, including fines and imprisonment. This was the result of a narrative that defined sexual harassment as an exploitative abuse of authority, which appealed to lawmakers when the gender discrimination framework failed to gain traction. Although some forms of harassment (e.g., unwanted sexual touching) may fit more naturally within a crime framework than others, sexual harassment clearly falls within the realm of criminological inquiry. In recent years, there has been renewed interest in criminalizing sexual harassment in the US military and elsewhere (Starr 2019). At the same time, many sexual harassment scholars argue against criminalization unless it "rises to the level of rape or sexual assault," advocating for education and systemic change over "an individualized, punitive approach" (Schultz 2018, p. 48).

### Life-Course Criminology and Sexual Harassment

Much sexual harassment research has been conducted using cross-sectional surveys, although longitudinal studies are becoming increasingly common. With the rise of life-course criminology (e.g., Sampson & Laub 1992) and the study of criminal careers, the field has shifted focus from identifying offenders to understanding transitions in criminal behavior. Central to this perspective is the notion that crimes are events in the life course and that concepts such as offender are time-varying rather than fixed characteristics of persons. Sexual harassment research is undergoing a similar transformation, although relatively few longitudinal data sources are available to describe or explain long-term harassment trajectories using career concepts such as onset and desistance.

Of course, cross-sectional surveys of sexual harassment targets or victims have also yielded important empirical generalizations, particularly regarding prevalence and risk factors. Such research is often useful in identifying sexual harassment analogs to crime hot spots and the industrial and professional neighborhoods in which harassment occurs at high rates, such as mining and construction (Hersch 2011) or medical education (Natl. Acad. Sci. Eng. Med. 2018). Nevertheless, more research is needed on the individual careers of perpetrators. In this connection, some research is beginning to shed light on the career turning points and life-course dynamics of harassment. For example, recent studies suggest that less powerful persons placed into high-power situations are particularly prone to harass others (Williams et al. 2017) and that fear of being perceived as incompetent predicts greater sexual harassment in men (Halper & Rios 2019). Further studies of perpetrators' careers will likely prove important to the development of appropriate and effective prevention and control efforts.

<sup>2</sup>In 2002, French law extended sexual harassment protections to coworkers, in addition to abuse of power based on workplace authority (Saguy 2003).



Longitudinal research on targets or victims of harassment uncovers a long list of physical and mental health consequences, including sleep problems, anxiety, depression, and post-traumatic stress disorder (Houle et al. 2011, Stock & Tissot 2012). To illustrate these effects, we highlight a line of empirical research based on the Youth Development Study, a longitudinal cohort study in Minnesota. We find that people who are harassed report diminished self-esteem, self-confidence, and psychological well-being—many years after harassment occurs (Houle et al. 2011). Such effects may accumulate with repeat victimization over time, as early targets are more likely than nontargets to be harassed again later in life (Uggen & Blackstone 2004).

With regard to career consequences, sexually harassed women report significantly greater financial stress two years after the harassment than those who are not harassed (McLaughlin et al. 2017). These effects are explained, in part, by job disruption. We find that women who experience harassment were six times more likely than other women to change jobs, suggesting that job displacement plays a key role in shaping other long-term effects. Apart from changing jobs, many women change industries or reduce their hours after harassment. Workers who make complaints and remain in their jobs also face retaliation, ostracism, and career stagnation, whether they are harassed themselves or acting on behalf of their colleagues (Hart 2019, McCann et al. 2018).

Consciousness of sexual harassment, and the willingness to report it, also varies over the life course, with researchers identifying age, period, and cohort effects. Regarding age, younger workers often lack the work experience to recognize sexualized interactions as harassment, or they may experience sexualized interactions with similarly aged coworkers as pleasurable. In one study, survey participants who reported sexually harassing behaviors as teenagers did not subjectively define these experiences as sexual harassment at the time (Blackstone et al. 2014). When they were later interviewed as adults, however, they explicitly defined such behaviors as sexual harassment. This finding points to potential period and cohort effects (see, e.g., Ryder 1965). The evolving legal and social context, including the #MeToo movement and earlier waves of attention to the issue, affect the likelihood that individuals will define and report their experiences as harassment. In the US GSS and the Japanese Survey on Working Women's Consciousness, worker cohorts who entered the labor force following major equal opportunity legislation reported greater sexual harassment than did older cohorts (Uggen & Shinohara 2009).

Apart from age and cohort, the timing and progression of individual careers are also consequential for sexual harassment. Targets of harassment appear to be selected in part because they are least likely to report their experience (Blackstone et al. 2009); thus, many targets experience early-career harassment. Nevertheless, women supervisors are significantly more likely than other women to be sexually harassed (Folke et al. 2020, McLaughlin et al. 2012), a finding that complicates popular narratives of powerful men preying on less powerful women. Sexual harassment appears to function as an equalizer against women in power, motivated more by control and domination than by sexual desire. More generally, research on contrapower harassment shows how gender, race, and class positions imbue harassers with informal power, even when targets possess greater organizational authority than their harassers (Rospenda et al. 1998). Such conceptions can help explain harassment of doctors by patients, supervisors by subordinates, and instructors by students.

In short, life-course criminology provides a flexible framework for understanding sexual harassment careers as perpetrators or targets. It can also accommodate multiple levels of analysis (including individuals, workgroups, organizations, situations, and societies) and diverse explanatory models (including social disorganization, control, learning, routine activities, and strain). Finally, a life-course criminology of harassment is well-positioned to explain the societal reaction to sexual harassment (including differential labeling and stigmatization and secondary deviance).



## TOWARD A CRIMINOLOGY OF HARASSMENT

In bringing sexual harassment within the purview of criminology, research on sexual assault represents a clear point of engagement.<sup>3</sup> As with sexual harassment, most studies of sexual assault pertain to victimization, not perpetration. Also in line with the literature on sexual harassment, self-reported estimates far exceed the official estimates reported to law enforcement. Sexual assault is consistently the most underreported form of victimization. Reporting patterns vary by demographic and incident characteristics. For example, relational intimacy has an inverse relationship with reporting such that the closer the relationship between the victim and offender, the less likely the victim will report to law enforcement (Rennison 2002). A substantial literature explores these correlates of reporting, consequences and support for victims, and how society conceptualizes sexual assault, including rape myths, perceptions of victimhood, and disparities in criminal justice processing.

Compared to victimization, less research on sexual assault has focused on sexual offenders. Many criminologists resist the characterization of sexual offending as representing a wholly unique class of offenders (Adler 1984, DeLisi 2001, Simon 1997). Others argue that debates over generality versus specialization are too simplistic, as sex offenders may offend generally but be specialists in their sex offenses (Kruttschnitt et al. 2000, Soothill et al. 2000). In a synthesis of the generality versus specialization debate as it applies to sexual offending, Lussier (2005, p. 288) concludes, "sexual offenders' criminal behavior is characterized by a certain tendency to specialize in sexual crime over time against the backdrop of much versatility." Other work points to the heterogeneity in sexual offending over the life course. For example, among sexual offenders, aggressors against women, compared to children, are characterized by an earlier onset of offending and a pattern of criminal behavior that is marked with generality instead of specialization (Lussier et al. 2005).

In the sexual harassment literature, conceptualizing and modeling heterogeneity in offending more often revolve around the question of serial harassment and whether perpetrators target selectively or indiscriminately (Lengnick-Hall 1995, Lucero et al. 2003). As Pina and colleagues (2009) note, existing typologies often lack theoretical focus, instead relying solely on behavioral indicators. A more explicitly criminological approach would develop theory and research toward understanding onset, persistence, and desistance in harassment careers. Placing these careers in relation to trajectories of aggression and analogous behaviors would similarly shed light on the question of specialization, or the distinctiveness of sexually harassing behaviors.

Likewise, criminology could benefit from sociocultural approaches to sexual harassment that foreground the importance of organization-level factors and gendered power structures. Although certainly not unchallenged (Felson 2002), many criminologists would accept that societal norms surrounding gender play a nontrivial role in sexual violence, including sexual harassment. At the individual level, beliefs and attitudes reflecting hostile sexism are associated with the likelihood of engaging in sexual harassment (Begany & Milburn 2002). At the group level, harassing behavior is more likely to occur when the dynamics of the situation seem to support it, such as when others engage in similar behaviors (e.g., Pryor et al. 1993). More broadly, some work on sex crimes has integrated criminological theories and feminist frameworks to highlight how conceptions

<sup>3</sup>There is variation in the terminology used to refer to sexual acts that violate the law (e.g., sexual battery or rape) compared to behavior that many would consider lesser forms of violence (e.g., sexual harassment). For example, Lussier (2005) refers to sexual offending as a broad construct that encompasses sexual violence (e.g., sexual assault), sexual misconduct (e.g., sexual harassment), and sexual exploitation (e.g., pimping). Conversely, victimization scholars often use the term sexual violence to encompass both sexual harassment and sexual assault as behaviors on the same continuum.



of masculinity and a patriarchal sociocultural context affect sexual violence against women (e.g., DeKeseredy & Schwartz 2013, Schwartz et al. 2001). Nevertheless, as Lussier & Mathesius (2018) argue, criminological theories on sex offending are still relatively young and have focused directly on explaining rape and sexual assault. Explicitly extending these theories to sexual harassment could inform understanding of both sexual harassment and sexual violence more generally.

Impunity and the absence of deterrence are frequently noted by feminist approaches such as DeKeseredy & Schwartz's (1993) extension of male peer support theory (DeKeseredy 1988). Male sexual perpetrators on college campuses are exceedingly unlikely to be punished for offending, which both reflects and contributes to a rape-supportive culture. There are thus weak formal controls, as well as weak (or widely varying) informal social controls regulating sexual violence. The latter are reflected in the hesitancy to disrupt or intervene when sexual violence and sexual harassment occurs. Although this is thought to stem from larger sociocultural processes, most research to date has focused on individual variation in attitudes and beliefs predicting the willingness to intervene (Labhardt et al. 2017).

Understanding and measuring contextual factors as they affect victimization is a particular strength of criminology, particularly regarding neighborhood context and guardianship intervention (e.g., Reynald 2010). A criminology of sexual harassment must similarly attend to organization-level procedures and predictors. With few exceptions, however, the sociolegal literature on legal compliance with sexual harassment and civil rights law (Berrey et al. 2017, Edelman 2016) has developed independently of the corporate crime literature (e.g., Clinard & Yeager 1980). Sexual harassment scholarship can thus benefit from criminologists' attention to informal social and organizational controls as a means of preventing and controlling crime as well as the structural constraints on such controls. Criminology can benefit from sexual harassment scholarship by developing more comprehensive models of sexual misconduct and incorporating conceptions of informal social control that are more broadly attentive to gender-based structural factors, sociocultural norms, and the legal environments of organizations.

## POLICY, PREVENTION, AND CONTROL

Developing and applying a criminological understanding of sexual harassment will also help inform policies aimed at prevention and intervention. In particular, sexual harassment policies, procedures, and prevention efforts have all faced sharp criticism. To date, many organizational responses to sexual harassment reflect symbolic compliance with vague legal mandates rather than targeted reduction of harassing behaviors (Edelman 2016, Edelman et al. 1999). Such efforts are plagued, if not hamstrung, by structural conflicts of interest, as human resources departments and Title IX offices must answer to both the organization and the target of harassment. Employers have long been criticized for sanitizing the workplace, rooting out benign sexual conduct but ignoring sex segregation and inequality (Schultz 2003). Many sexual harassment interventions today take the form of mandatory online training modules that have not yet been established as effective. Worse, such policies appear to have the unintended effect of spurring backlash and reinforcing gender stereotypes (Tinkler 2012, 2013; Tinkler et al. 2007).

The #MeToo movement has rightly called attention to the low certainty of punishment for sexual harassment (Shannon & Tinkler 2020). If the probability of sanction is effectively zero, the policies appear to be little more than window dressing. The EEOC (2020) now calls for all federal agencies to adopt department-wide, uniform disciplinary actions, banning serious perpetrators from receiving promotions and performance awards and ending the practice of reassigning perpetrators to other divisions. Other proposed reforms go further, calling for greater severity (e.g., mandating the harasser's dismissal from work or school) or the indiscriminate application



of zero-tolerance policies. After decades of impunity for harassers, personal and institutional expressions of intolerance have a strong intuitive appeal. Harassment scholars (e.g., Schultz 2018) have suggested caution with respect to such proposals. Like criminal sexual conduct, sexual harassment represents a heterogeneous category of behaviors. By design, zero-tolerance processes are rigid in implementation, promising severe penalties for transgression. Nevertheless, their general deterrent effects and their capacity to alter organizational culture are empirical questions that have yet to be answered.

In particular, research on zero-tolerance policies with regard to school violence has not been promising (Am. Psychol. Assoc. Zero Toler. Task Force 2008), and activists and academics have raised concerns about proportionality and discriminatory implementation. Zero-tolerance harassment policies designed with powerful figures like Harvey Weinstein in mind will be similarly applied to workers with far less power to resist deviant labels, and such approaches could similarly widen inequality and the disproportionate punishment of racial and sexual minorities. When penalties are severe, the certainty of sanctions being applied may remain low for sexual harassment. Furthermore, such policies may inadvertently foster greater discrimination against women in workplaces where gender imbalances are greatest (Tinkler 2013). For example, in the wake of #MeToo, men report being apprehensive about hiring women, having one-on-one meetings with them, or involving them in social events (Atwater et al. 2019). More robust enforcement of antidiscrimination laws may assuage such concerns, of course, although it is not clear that such enforcement is forthcoming.

Criminologists can contribute to sexual harassment prevention and control efforts by drawing attention to harassment careers, identifying more serious and chronic offenders, and helping to devise graduated sanctions appropriate to the history and severity of the offense. In responding to sexual harassment, reintegration remains a central challenge: If the harassment merits a punishment that does not result in termination or expulsion (e.g., a temporary suspension or probationary period), how does a perpetrator rejoin a firm, college, or department?

With regard to processes of desistance and reintegration, research on nonfelony sexual offending may prove useful. No other offense category evokes the public condemnation that surrounds criminal sexual conduct. This is reflected in the number, variety, and severity of policies aimed at sexual offenders, including consequences such as registration and restricted housing, that are long-lasting and sometimes permanent punishments unique to this crime (Lynch 2002, Mancini et al. 2013). Public support for these policies remains quite strong, even in the face of evidence that they are relatively ineffective in addressing recidivism or deterring crime (Duwe & Donnay 2008, Duwe et al. 2008, Levenson & D'Amora 2007, Sandler et al. 2008, Tewksbury et al. 2010).

The stigma around sexual crimes derives from several factors, but a driving force is the belief that people who commit sex offenses are incapable of reform (Pickett et al. 2013). These perceptions and the accompanying hostility can disrupt the desistance process, particularly when perpetrators lack the social support and opportunities necessary for successful reintegration (Willis et al. 2010). A recent qualitative study by Huebner et al. (2019) underscores the social and structural stigma that permeates reentry for people convicted of sex crimes and the importance of social support in this context. Criminologists have made significant strides in disentangling the mechanisms by which such labeling influences deviant behavior. These processes include changes to self-concept (Matsueda 1992), social exclusion and weakening of prosocial bonds (Link et al. 1989), and involvement in deviant peer groups (Bernburg et al. 2006). Sexual harassment interventions could benefit from this body of work and the link between purposeful reintegration efforts and the desistance process.

Apart from formal policies and interventions, criminologists can also inform sexual harassment prevention efforts. Indeed, many sexual violence prevention programs gaining traction today are





founded on core criminological concepts, such as informal social control, stigma, and labeling. For example, bystander intervention programs for gender-based violence have proliferated on college campuses and in military and athletic contexts. These programs represent a shift from traditional sexual violence prevention programming, which has shown little evidence of effectiveness (Kearney et al. 2004) and has been criticized for reinforcing gender norms (Tinkler 2013). Instead, bystander intervention programs aim to empower third-parties to take personal responsibility and intervene to address problematic situations, including sexual assault and sexual harassment. Such programs have shown promising results on college campuses, affecting both attitudes and self-reported interventions to prevent sexual violence (Jouriles et al. 2018).

Although research on these programs appears mainly in public health and social psychology outlets, the relevance of third-parties in understanding the dynamics of violent encounters is familiar territory for criminologists (Hollis-Peel et al. 2011). Conceptualized through a routine activities theory framework (Cohen & Felson 1979) and within the scope of situational crime prevention (Clarke 1983), bystanders represent capable guardians whose presence should deter would-be offenders from aggressing against suitable targets. Reynald (2009, 2010) points also to the extent to which guardians are willing and able to monitor situations and intervene when necessary. Such conditions align with social psychological work tying bystander intervention to perceptions of the situation as an emergency, responsibility for intervening, and decisions regarding how to intervene (Latané & Darley 1969).

Bystander programs are now increasingly applied to workplace sexual harassment. Recent US EEOC reports (2016, 2020) encourage employers to incorporate bystander intervention training as part of their sexual harassment prevention program. In New York City, Local Law 96 requires employers with 15 or more employees to conduct annual interactive anti-sexual-harassment training, which includes bystander intervention training [Local Law No. 96 (2018) of City of New York]. The effectiveness of such large-scale training mandates represents an important research question that remains largely unanswered.

The current generation of programs seeks to avoid the negative consequences of traditional sexual violence prevention training, which approaches participants as either potential offenders (rape-prevention programs) or victims (risk-reduction programs). Such stigmatizing labels, particularly for rape-prevention programs, may cause a backlash or heighten gender-role hostility (Dobbin & Kalev 2019). Bystander programs attempt to avoid such labels by approaching participants as allies who can change the course of problematic situations. As applied to sexual harassment, however, these programs are currently situated in a larger cultural movement to admonish behavior that has historically gone unchallenged. The extent to which they will be successful in avoiding stigmatization is thus an empirical question.

## CONCLUSION

Although interdisciplinary research on sexual harassment has flourished since the 1970s, relatively few studies have approached the phenomenon through a criminological lens. To further a criminology of harassment, more research is needed on perpetrators, specifically on their harassment careers. So too, longitudinal research could further understanding of organizational and industry hot spots and the drivers of change in harassment at the level of the firm, department, or workgroup. Because sexual harassment has long been ignored, treated with impunity, or punished with dismissal, we also need a much better understanding of the effectiveness of intermediate sanctions and reintegrative strategies that promote desistance from harassment. Much of the recent rhetoric (if not the policy) around harassment is adopting zero-tolerance language, which invokes relatively crude deterrence models based on a low probability of a severe sanction being applied. Bystander





intervention programs and enforcement directed toward hot spots and serious and chronic offenders seem to hold considerably more promise.

Many open questions remain for both science and policy, including the extent to which sexual harassment is distinctive from other forms of deviance, violence, and criminal behavior. In the coming years, new institutions such as the Time's Up Legal Defense Fund are likely to play an important part in shifting the power relations between harassers, firms, and targets. With regard to current policy, a multiprong strategy would involve broad educational prevention efforts, focused bystander education, and focused deterrence for serious and chronic perpetrators, up to and including criminal prosecution for acts that violate criminal sexual conduct statutes.

When sexual harassment is ignored or met with impunity, it can devastate the lives and careers of its targets, who are likely to exit their positions at great cost to themselves and society. A criminological understanding of the phenomenon would aid in reducing such harm by developing systems for preventing, identifying, and controlling harassment. Hiring and promoting more women are proven strategies, as male-dominated environments have been found to foster higher harassment rates. Bystander training may also help by developing a culture in which employees are empowered to promote positive workplace interactions. And serious and repeat harassers must face real sanctions.

Although the #MeToo movement has brought new attention to the issue, there is no guarantee that the movement will produce lasting change. Previous waves of attention in 1991 (involving Clarence Thomas and Anita Hill) and 1998 (involving Bill Clinton and Monica Lewinsky) waned quickly, and there is some evidence that public attention is once again on the decline. Nevertheless, a new wave of research is emerging to address the phenomenon, and criminology will play an increasingly important role in advancing both the science and policy of sexual harassment.

## DISCLOSURE STATEMENT

The authors are not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

## ACKNOWLEDGMENTS

We thank Chloe Hendrix for research assistance and the editors and staff of the *Annual Review of Criminology* for their supportive comments and helpful assistance.

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