

**GENDER IN PUBLIC SPACE:
POLICY FRAMEWORKS AND THE FAILURE TO PREVENT STREET
HARASSMENT**

by

Jarraah O'Neill

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Abstract

In this thesis I examine the ways in which policy frameworks contribute to the proliferation of street harassment. By analyzing a diverse array of sources, including newspaper articles, government documents, activist interviews, and first-hand accounts of street harassment, I demonstrate that the lewd comments, groping, and assault that women experience in public spaces are interpreted as an insignificant individual problem that can only be prevented through reforming women's misbehavior. This narrative is constructed through federal advice on sexual violence, police perpetration of sexual violence, and a lack of legal redress for victims of street harassment. A complete analysis of these frameworks offers greater clarity on how to construct street harassment as a policy problem and how to develop policy that will effectively address street harassment.

Introduction

Street harassment is a central impediment to equal access to public space and to achieving a world where gender is not used as a tool to define, classify, and discriminate. The daily fact of street harassment places spatial restrictions on women's lives that change the time, frequency, and length of forays into public space, leading to a gender-based exclusion from shared space and civic life. Too often, this barrier to gender equality is dismissed as a mundane fact of women's lives, an unfortunate reality that is both too trivial to be addressed and impossible to prevent. The ramifications of these narratives are very real. I explore the way policy frameworks that trivialize and obscure the harms of street harassment contribute to the normalization of daily harassment in women's lives.

In this thesis, I will recast street harassment as an issue that is systematically maintained through inaccurate policy narratives but is solvable. I ask these questions: In what ways is the climate that permits street harassment created and perpetuated by federal definitions of sexual harassment and social narratives about sexual violence?

Through what laws and social policies has the government created a precedent of surveillance in women's lives that makes street harassment appear to be an unremarkable and intractable problem? Through what institutional behaviors is the existence of street harassment trivialized? Contrary to the common perception that street harassment is an insignificant fact of life, it causes very real harms in women's lives just as much as it is a very real outcome of longstanding policy inattentive to women's needs. Indeed, the existence of street harassment is not inherent in human nature nor is it a natural outcome of biological differences between genders. Street harassment is one manifestation of socially constructed gender norms and systems of power; it need not be the status quo.

Combining evidence from a diverse variety of sources, including first-hand accounts of street harassment, government literature and official advice on sexual harassment, data on police responses toward street harassment, testimony from street harassment hearings and analysis of media reports of street harassment, it becomes clearer that existing frameworks for interpreting and contextualizing the meaning of street harassment are deeply inadequate and create a roadblock to achieving greater gender equality in the US. Feminists have long identified the role of "rape myths" (such as the belief that going to a man's apartment after a first date or having multiple partners indicates pre-consent to any sexual encounter) have in creating a society where rape is extremely prevalent.¹ A similar analysis of the narratives surrounding street harassment elucidates the role of common cultural myths in sustaining the abuse.

To understand the way the policy frameworks that define the meaning of street harassment are created and perpetuated, I analyze a wide variety of sources that represent

¹ See, for instance, Burt, Martha "Cultural Myths and Support for Rape," Lea and Auburn, "The Social Construction of Rape in the Talk of a Convicted Rapist", Suarez and

different iterations of an overall framework that disbelieves the harm of street harassment and understands any inconvenience to be preventable through women's behavior. In Chapter One, I examine a variety of official documents to understand the federal government's narratives about sexual violence. In general, government documents focus on ways women can prevent being the victims of sexual violence while refraining from addressing the perpetrators of sexual violence. Comparing the federal government's construction of the meaning and impact of sexual harassment to women's first-hand, public accounts demonstrate that women continually respond to and resist this framework. Furthermore, I analyze history and law papers to frame the path sexual harassment has taken to becoming a policy problem, a path that demonstrates the importance of contextualising gender-based abuse within the larger motif of women's inequality.

Chapter Two contextualises approaches to street harassment through a comparison of bullying policy and policing tactics. Assessing psychological theories, government documents, public service announcements on bullying provides a lens into the way social problems are constructed when comprehensive and empathetic policy exists. In contrast, though, analyzing data and theories on aggressive police tactics offers insight into why there has been scant policy at any level of government to redress the harms of street harassment. Chapter Three moves on from the ways government minimizes its role in reducing street harassment to understanding the ways that local governments are complicit in the behavior. Analyzing media reports, first-hand accounts, self-professed police tactics and a diverse variety of studies on the way police forces approach sexual harassment, in Chapter Three I demonstrate that local governments and

police departments often have extremely high levels of citizen surveillance in public spaces and of police street harassment and stalking. All of these policies feed off each other to create an ecosystem of sexual violence.

Finally, in Chapter Four I use news reports, transcripts of public hearings, activist interviews, and legal arguments to outline a framework for addressing street harassment that would reframe the issue in a logical, empathetic and effective way. This interdisciplinary methodological approach allows me to extend the body of literature on street harassment. Up to this point, most research has focused on understanding the ways in which street harassment is a harm. Instead, I ask: through what frameworks does street harassment persist? In my thesis, I demonstrate the ways in which societal understandings sanction the harm of street harassment. It is only through a full accounting of these powerful narratives that street harassment can be tackled and dismantled.

Street harassment is a particular kind of verbal and physical sexual harassment and assault that occurs in a public setting. The actions that comprise street harassment can be viewed as a continuum, beginning with the uncomfortable glances a woman is subjected to, through to unsolicited sexual comments, and ending with unwanted groping, grabbing, stroking, kissing, and penetration in public spaces by men who are typically strangers to the victimized women. The fundamental subtext of this interaction is the desire for a man to assert his sexual power over a woman through a public, unwanted intrusion into her private space. Cynthia Grant Bowman uses these criteria to define street harassment:

Although street harassment encompasses a wide variety of behaviors, gestures, and comments, it has some defining characteristics: (1) the targets of street harassment are female; (2) the harassers are male; (3) the harassers are unacquainted with their targets; (4) the encounter is face to face; (5) the forum is a public one, such as a street, sidewalk, bus, bus station, taxi, or other place to which the public generally has access but (6) the content of the speech, if any, is not intended as public discourse.²

Tuerkheimer writes “Street harassment occurs when a woman in a public place is intruded on by a man’s words, noises, or gestures. In so doing, he asserts his right to comment on her body or other feature of her person, defining her as an object and himself as a subject with power over her.”³ Gardner, writing in 1995, preferred the term ‘public harassment’, which she defined as “that group of abuses, harratings, and annoyances characteristic of public places and uniquely facilitated by communication in public.”⁴ More recent definitions have tended to expand the way the term is used. Holly Kearl acknowledges that the expansiveness of the term can lead to imprecision, but argues that the term itself is important. “I use ‘street harassment’ to describe gender-based harassment in public spaces because it is the one most commonly used by academics and activists, but there is no universally used name or term for it like there is for ‘sexual assault’ or ‘sexual harassment’ at work or school.”⁵ The activist group hollaback! has the most flexible definition of street harassment. “Street harassment is a form of sexual harassment that takes place in public spaces. At its core is a power dynamic that constantly reminds historically subordinated groups of their vulnerability to assault in

² Bowman, “Street Harassment and the Informal Ghettoization of Women”, 524.

³ Tuerkheimer, “Street Harassment as Sexual Subordination”, 167.

⁴ Gardner, *Passing By*, 4.

⁵ Kearl, *Stop Street Harassment*, 5.

public spaces. Further, it reinforces the ubiquitous sexual objectification of these groups in everyday life.”⁶

There is tremendous political and policy value in naming and defining street harassment. Defining the phenomenon is the first step to understanding its scope and consequences. The infrequent use of the term to describe the experience undermines an ability to conceptualize the damage and makes it hard to coalesce a body of thought around the issue of street harassment, too. In terms of political reform, it is difficult to pass laws that might prevent street harassment if there is little awareness of the concept itself. ‘Sexual harassment’ is at once too specific in the types of unwanted sexual contact it specifies and too broad in its focus on these types of harassment in all contexts. The old word to describe street harassment, ‘catcalling,’ is also insufficient to characterize the scope and nature of the phenomenon, and the levity of the term itself undermines the importance of the discourse. Although some of the interactions included under the term ‘street harassment’ would also be considered sexual harassment or assault, I use the term ‘street harassment’ throughout my thesis. This denotes that public space is the venue through which the harassment happens and also provides a broad lens to take full account of the problem. Further, the analytical lens of street harassment, which includes a wide variety of different harassing behaviors, provides a paradigm to understand how women experience public space and how the cumulative effect of the behaviors listed above change women’s perceptions of safety and belonging in public.

The difficulty women experience when trying to participate in public arenas was exemplified by the 2011 Occupy Wall Street protests in Zuccotti Park. Immediately after

⁶ hollaback!, “FAQs.”

the protest against wealth inequality began, a tumblr blog called *Hot Chicks of Occupy Wall Street* with the tagline “The Sexy Side of Protesting Corruption” was published. The site posted user-submitted photos and aggregated photos from other sites of protesting women who were also deemed sexually attractive. In one photo, a protester is shown as she is grabbed from behind by a policeman, his arms exposing her cleavage as he tries to arrest her.⁷ While the caption reads “Police arrest and grope a peacefully protesting woman. WTF [what the fuck].”, the name of the website and its focus indicate the concern is less directed toward the groping and more interested in the body parts the woman is unwillingly showing. Further, *Hot Chicks of Occupy Wall Street* does not display the many photos of police manhandling, abusing, and arresting all protestors. The problem of female protesters’ safety was more widespread than one exploitative blog. Although the protest centered around an occupation of public space, men and women were not able to participate equally. Zuccotti Park became the venue of several alleged rapes and incidents of sexual assault, eventually forcing the protesters to create a tent for women to spend the night in safety.⁸ In other words, in a public occupation, women required a private space to maintain their safety. The tent fit only fifteen women, leaving the rest faced with the choice of voicing their beliefs about Wall Street and income inequality in the United States despite the risk of sexual violence or not fully participating in the movement and ending their occupation of the Park.

There are many ways to analyze the social purpose and effects of street harassment. By perpetrating street harassment, men reinforce their dominance over both

⁷ Hot Chicks of Occupy Wall Street: The Sexy Side of Protesting Corruption, <http://hotchicksofoccupywallstreet.tumblr.com/>

⁸ Gillen, “OWS Struggles with Sexual Assault at Zucotti Park.”

public space, making women trespassers in this space subject to unwanted scrutiny, and enforcing their dominance over women's sexuality. Commenting on a woman's appearance as she goes about her life reinforces the understanding that she cannot exist in the public space as an equal. Instead, her gender and relative attractiveness is what becomes primary in public space. Street harassment disallows women the agency to decide when, where and if gender will be a defining part of their identity. Street harassment is also a persistent reminder of women's sexual vulnerability. While a demeaning comment may not cause physical harm, it is part of a spectrum of unwanted sexual attention and is inextricable from the threat of further sexual victimization. This is even more true, of course, when street harassment involves forcible physical touch.

Street harassment is also a strategy used to enforce traditional gender roles. To fully prevent street harassment, the only option women have is to remain at home and not enter public spaces. Throughout history, a woman's place in the home has had the symbolic and practical value of maintaining differing gender norms for men and women. Leaving the house, and taking employment outside of the house, was an enormous step toward gender equality. Street harassment, though, forces women back into the home, which becomes the only space where women can exist free of harassing comments, gestures, and forcible touching. Another way traditional roles are maintained is through the use of men as 'bodyguards' to prevent harassment. If women do enter the public space, walking with a male protector is often the only way to avoid unwanted sexual behavior. Once again, a woman's path to safety is dependent on a man's goodwill and a masculine/feminine stereotype of protector/protected is maintained. Street harassment is a way in which women become victims, disempowered to combat a pervasive system of

sexual inequality by the sheer scope and insidiousness of the problem. The language of ‘victimhood’ is one that women have often tried to resist for the lack of agency implied in the term. However, the designation of victimhood is forced on women every time they experience street harassment.

Street harassment is a crime that has ramifications economically, socially, and legally. From an economic perspective, the difficulty women experience going to and from work may impact their productivity during the day. Street harassment shapes and limits women’s careers, perhaps by prompting women to choose employment they are over-qualified for because it is in a safer neighborhood or by making women less willing to search for a new job because the hassle of going to and from work might be too much. While there have been no studies assessing the monetary loss street harassment causes, it is theoretically evident that a woman’s experiences in public spaces have a variety of potential economic impacts.

Street harassment also represents a serious intrusion into women’s privacy. The right to privacy forms a theoretical base for many of the rights considered central to American democratic life. In Imani Perry’s book *More Beautiful and More Terrible*, Perry identifies the surveillance of black life and an institutional and systematic denial of a right to privacy “as a sign of the unfinished business of the struggle for racial justice.”⁹ This violation of the right to privacy takes the form of increased police surveillance in black and Latino neighborhoods, intrusive welfare regulations, the particular vulnerability of homeless people of color, and medical and scientific abuse of power. The analytical lens is also a useful frame to understand the way street harassment harms

⁹ Perry, *More Beautiful and More Terrible: the Embrace and Transcendence of Racial Inequality in the United States*, 87.

women's lives, especially women of color. Street harassment is an additional form of surveillance that disallows a woman control over her body. This connection is made explicit when police are the perpetrators of street harassment.

Street harassment also has significant impacts on other identities those who are harassed have. The fact that men harass women as if every woman or female-identifying man or male-identifying female is their sexual property enforces a compulsory heterosexuality on city streets. Those who are harassed have no agency to express their sexuality, and men who harass enforce their own heterosexuality on their targets. In this sense, the women who are harassed become monolithic, as street harassment denies the individuality of the harassed through its uniformity. Similarly, street harassment can intersect with homophobic or racial slurs as an additional form of citizen surveillance and discrimination.

Street harassment also has a significant effect on urban space discourse. Who can access public spaces, why, and what it means is of central concern to the growth and development of cities, as well as to understanding the impact of street harassment. The lack of policy attention to street harassment is one way to analyze how public spaces are constructed to be more amenable to certain citizens. The fact that certain crimes are perceived as unruly and punishable—like public intoxication or urination—while street harassment remains unregulated reflects particular priorities in shaping urban space.

Another unexplored impact of street harassment is the psychological damage on women. It is widely believed that workplace sexual harassment or bullying have serious psychological impacts. For example, one study on bullying finds that persistent

victimization is predictive of “the onset of anxiety or depression...”.¹⁰ Another study of workplace harassment finds that even low levels of sexual harassment in the workplace has negative psychological outcomes.¹¹ Street harassment bears many similarities to these types of abuse, in the complete powerlessness of victims to prevent it, the ongoing nature of the abuse, and the frequency with which the abuse occurs. Despite these parallels, though, street harassment is not addressed through law, policy, and interventions the way that workplace harassment, bullying, and other types of victimization are.

Finally, the broadest impact of street harassment is on women’s progress toward equality. Street harassment exemplifies a literal and metaphorical physical barrier to women’s achievement, reinforcing a sense of powerlessness and sexual vulnerability while physically prohibiting women from co-existing in public life. It represents a barrier to achieving a society where every member can expect equal treatment and legal redress for injustice.

Although the harm of street harassment is widespread, there are a variety of discourses skeptical of its importance. These perspectives tend to be rooted in worldviews that are firmly patriarchal, given that street harassment is a gender-specific crime. One way this happens is through ‘gender-blindness’. There is a tendency in public discourse to view the path to an equal society as one in which non-equal treatment is ignored. For instance, this is one reason why many believe the US to be a colorblind society even though discrimination and unequal outcomes by race persist. It is why others argue that policies of ‘colorblindness’ are the only strategy to achieve equality.

¹⁰ Bond, “Does Bullying cause emotional problems? A prospective study of young teenagers.”

¹¹ Schneider, “Job-Related and Psychological Effects of Sexual Harassment in the Workplace: Empirical Evidence from Two Organizations.”

Similarly, there is a desire to dismiss the existence of unequal outcomes by gender, or to be ‘gender-blind’, as if identifying the harm will perpetuate it. This policy position dovetails with a belief that gender-aware policies will only serve to reinscribe gender-based difference. Of course, such a position ignores the long list of ways in which women face structural inequalities and that only through understanding and addressing structural discrimination can it be changed.

There is also a temptation to dismiss each separate inequality as an unfortunate coincidence instead of as one part of women’s systematic disempowerment. Many academic studies, newspaper articles, and opinion pieces are devoted to doing just this. Often, these institutions who not only dismiss the existence of gender-based discrimination also silence women structurally, further obscuring the reality of gender inequality.¹² However, to understand the impact and effects of street harassment, the phenomenon must be recognized as a gender-specific event, relating to the status of women in US society and the structures that privilege men while oppressing women. Street harassment is a reflection of gender norms and power structures in society, a fundamental representation of the way many believe society should be organized.

The other pervasive discourse surrounding street harassment, and sexual harassment and abuse more generally, is one that views these issues as trivial. Men, by and large, do not experience gender-based street harassment and when they do it has very different meanings. The ‘street harassment as trivial’ framework implies that experiences outside or contradictory to a male worldview are wrong or irrelevant. Once again, such a rhetorical position has long been embraced to obscure the nature of gender-based harm in

¹² Houston, “Speaking From silence: Methods of silencing and of resistance.”

the US. Because of this some argue that women must embrace and reclaim ‘trivial’ discourse since this very discourse is “essential to creating and sustaining the social order as that which appears to be of great importance.”¹³ In the context of gender-based harms, the charge of triviality is such a common strategy to dismiss claims and evidence that the charge itself is suspect. Intimately linked to the idea of triviality is the assumption that, if a woman does experience any form of sexual violence, she is somehow at fault. This idea is reflected throughout social narratives, including government documents and police advice cited here. All of these ideas are based on the notion that women bear the burden of protecting themselves from gender-based violence or misogyny. The corollary to this idea is that the men who perpetrate such acts are not responsible. Of course, this paradigm makes little sense in practice. At their core, all of these frameworks serve to silence the concerns of women and women’s legitimacy in speaking out.

The impact of such interpretations of street harassment goes beyond misplacing responsibility for the prevention of gender-based victimization. These narratives also imply that women should lead a very particular kind of life. That women are encouraged to stay home as much as possible hews closely to traditional ideas about the appropriate place for women to physically inhabit—the home. Indeed, street harassment itself serves as a motivator to keep women in the home. Through this push back to the home, the very power structures asserted by street harassment are reinforced and the territory that metaphorically belongs to each gender remains in place. Indeed, Cynthia Grant Bowman takes this evidence and argues that street harassment causes informal ghettoization of

¹³ Houston, “Speaking from silence,” 394.

women through its severe restriction on mobility.¹⁴ Bowman writes that the law “fails to take seriously the events that affect women’s lives” and argues that law must be expansive to allow women to re-enter the public space.

Feminist criminologists consistently find that perceptions about the safety of public space impacts women’s lives significantly. Many studies have found that the single largest predictor of a person’s fear of crime is gender, even though women are less likely overall to be victims of crime than men. Kenneth F. Ferraro writes that “literally dozens of studies report higher ‘fear’ of crime among women.”¹⁵ Ferraro’s research attributes women’s higher fear of crime to the perceived threat of sexual assault. Although he does not explicitly single out street harassment as a source of the perceived threat, other research demonstrates that pervasive street harassment contributes to a feeling of a lack of safety. Karen A. Snedker interviewed women in New York City and concluded that “qualitative data reveal that gender assessments of vulnerability are related to issues of socialization, social learning processes and notions of effective agency.”¹⁶ In other words, women are fearful because of the perceived threat of sexual violence, both because society teaches women they are powerless in the face of this violence and because many women have experienced moments of powerlessness through street harassment. Larger studies have supported this finding.¹⁷ In the context of street harassment, such evidence raises the question: how does perception of agency, and the

¹⁴ Bowman, “Street Harassment and the Informal Ghettoization of Women,” 518.

¹⁵ Ferraro, “Women’s Fear of Victimization: Shadow of Sexual Assault?,” 667.

¹⁶ Snedker, “Explaining the Gender Gap in Fear of Crime: Assessments of Risk and Vulnerability Among New York City Residents,” 75.

¹⁷ Madriz, *Nothing Bad Happens to Good Girls: Fear of Crime in Women’s Lives*.

messages articulated through street harassment itself, affect women's larger sense of self and place in the world?

Criminologists' research also deepens understandings of the way fear of rape affects women's lives. Ferraro notes that in every crime committed against a woman, the specter of rape always exists.¹⁸ Burglary, stalking, petty theft, and street harassment all carry the threat of rape. Indeed, using fear of rape as an explanatory variable in statistical models eliminates the gender difference in fear of crime.¹⁹ The National Intimate Partner and Sexual Violence Survey, conducted by the Center for Disease Control, found in 2010 that 18.3% of women in the US, compared to 1.7% of men, report being raped. Additionally, 44.6% of women report sexual violence other than rape in their lives.²⁰ From this perspective, the criminal act of street harassment is a daily reminder for women that rape is an persistent threat. However, criminology has not examined the relationship between street harassment and fear of crime specifically. Unlike the incidence of burglaries or petty theft, street harassment is often a small, daily micro-aggression in women's lives that persists uncounted by official sources. Furthermore, the fact that there is no dataset examining this issue means that street harassment, whatever its true impact on women's lives, remains an unstudied subject with little academic thought devoted to it.

For these reasons, prior literature on street harassment has largely focused on determining both the nature and extent of the harms in the broadest sense. Holly Kearl argues that street harassment is far more pervasive and problematic than generally

¹⁸ Ferraro, "Women's Fear of Victimization," 669.

¹⁹ Ferraro, "Women's Fear of Victimization," 670.

²⁰ CDC, "National Intimate Partner and Sexual Violence Survey," 18-19.

understood.²¹ Her research included hundreds of women of different classes, races, sexual orientations and locations. Kearl found over 99% of the respondents had experienced street harassment. Almost all respondents had faced leering, honking and whistling, vulgar gestures, sexually explicit comments, following, touching or grabbing, masturbating or assault; many women reported being harassed on the street multiple times per day.

Another extensive study conducted by Esther Madriz and detailed in her book *Nothing Bad Happens to Good Girls* elucidates the daily impact of the harm. From her research with women in New York City, Madriz found that street harassment and fear of crime led many women to constrain themselves in an attempt to prevent their victimization.²² Echoing other conceptual models, some of the participants self-isolated by staying at home more often, avoiding particular streets, and especially by restricting their activities outside of the home at night. Women also reported dressing more conservatively and relying on male friends, family or partners to behave as bodyguards or guardians.²³ Katherine Fairchild and Laurie A. Rudman found that street harassment increases the likelihood of self-objectification among young women while also increasing the restrictions women place on their own movement.²⁴ From a study conducted on public transit by Scott Stringer, the Manhattan Borough President, in 2007, 10% of those surveyed reported an experience of sexual assault in NYC public transportation while

²¹ Kearl, *Stop Street Harassment: Making Public Places Safe and Welcoming for Women*.

²² Madriz, *Nothing Bad Happens to Good Girls: Fear of Crime in Women's Lives*.

²³ Madriz, *Nothing Bad Happens to Good Girls*, 118-140.

²⁴ Fairchild, "Everyday Stranger harassment and women's objectification."

63% reported sexual harassment.²⁵ Similarly, Carol Brooks Gardner conducted an ethnographic study in Indianapolis and found that what she termed universal experience of ‘public harassment’ significantly influenced women’s lives, creating an anticipation of peril, fear of being in public (agoraphobia), and undermining their sense of self.²⁶

Given the paucity of quantitative data to analyze, many researchers focus on creating legal models to understand and articulate the harm of street harassment. Deborah Tuerkheimer focuses on understanding how to make the injuries caused by street harassment visible, both legally and culturally.²⁷ Tuerkheimer’s argument revolves around her assertion that the gender-specific nature of street harassment has caused the issue to be dismissed by both men and women. She argues that “there are very real consequences to being a woman in a society where gender is constructed as a hierarchy with men on top.”²⁸ Street harassment is one of many injuries silenced through this hierarchy. Laura Beth Nielsen examines the construction of street harassment as offensive public speech among the public.²⁹ She argues that a legal consciousness that defines street harassment as offensive public speech does not yet exist. Indeed, in her research many women who reported experiencing street harassment did not support its legal regulation as offensive public speech even though they believed street harassment to be a significant harm.³⁰

²⁵ Stringer, “Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System.”

²⁶ Gardner, *Passing By*.

²⁷ Tuerkheimer, “Street harassment as sexual subordination: the phenomenology of gender-specific harm.”

²⁸ Tuerkheimer, “Street harassment as sexual subordination,” 170.

²⁹ Nielsen, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment.”

³⁰ Nielsen, “Situating Legal Consciousness,” 1085.

Similar to Nielsen, Deborah M. Thompson focuses on the legal arenas available to address street harassment. Both Nielsen and Thompson center on legal solutions as a specific treatment and advocate refocusing legal precedents to allow existing frameworks of offensive public speech and public forums govern the world of street harassment.³¹ Cynthia Grant Bowman also lays the groundwork to define the legal harms of street harassment. More so than other authors, Bowman focuses on the ways and reasons that street harassment has been ignored and trivialized by “academics, judges, [and] legislators”.³² Finally, Bowman argues that there is wide scope in the law to prosecute street harassment as well as to understand and define the harms of street harassment. Tiffanie Heben endorses “the importance of legal remedies in dealing with social problems and...a combination of tort and criminal remedies as the best means to address street harassment.”³³

Other authors have pushed back against the implication that legal remedies alone are the solution. Olatokunbo Olukemi Laniya argues that women need to “name, blame and claim” street harassment and then use both the law and the media to deconstruct the structures that support and maintain it.³⁴ Laniya singles out the special role of media in perpetuating street harassment through its coverage of the issue. By the same token, she notes, the media is a powerful tool for publicizing harm and the underlying social justice issues.

³¹ Thompson, “The Woman in the Street: Reclaiming the Public Space from Sexual Harassment.”

³² Bowman, “Street Harassment and the Informal Ghettoization of Women.”

³³ Heben, “A Radical Reshaping of the Law: Interpreting and Remediating Street Harassment,” 183.

³⁴ Laniya, “Street Smut: Gender, Media, and the Legal Power Dynamics of Street Harassment, or “Hey Sexy” and Other Verbal Ejaculations.”

Scholars have also sought to conceptually define the effect of street harassment. Bowman understands street harassment as ‘informal ghettoization’ because this type of harassment creates a hostile public space that restricts women to private space. Bowman’s conceptualization of the public/private divide as central to street harassment is further substantiated by criminologists’ work. Rachel H. Pain examines gender and ‘social geographics’, arguing that the social construction of safe and dangerous places function as a way to increase social control over women.³⁵ Elizabeth Arveda Kissling understands street harassment as a form of ‘sexual terrorism’.³⁶ Kissling defines sexual terrorism as a “system by which males frighten and, through fear, control and dominate females.”³⁷ Rape, domestic violence, and sexual harassment are examples of sexual terrorism. Kissling argues that street harassment, too, creates this terroristic culture while simultaneously perpetuating fear of this culture. Such an argument dovetails closely with the empirical findings of criminologists, who link women’s greater overall fear of crime to the specific fear of rape and sexual assault.

However, there is much left unexamined in street harassment literature. The term ‘street harassment’ itself is relatively new and, as previously described, the academic study of it has been minimal. Writing in 1993, Bowman noted that “[T]he study of street harassment has been carried out by a handful of scholars in the fields of speech, language, and communication. In the face of this relative silence, any student of street harassment must supplement the academic literature with sources less typical of legal

³⁵ Pain, “Social geographies of women’s fear of crime.”

³⁶ Kissling, “Street Harassment: the language of sexual terrorism.”

³⁷ Kissling, “Street Harassment: the language of sexual terrorism,” 456.

scholarship.”³⁸ Twenty years later, her assessment is still accurate. There is a particular lack of intersectional feminist analysis in street harassment literature. Indeed, it is an irony that in trying to understand the scope and nature of street harassment, academics are forced to discuss women as an aggregate and not as individuals, the very dehumanizing process that is inherent in street harassment itself. The variation in these experiences matters, even though the nuance is hard to capture when talking about the purposes of street harassment or policy to discourage it. And, although in this thesis I focus on male harassment of women and the social narratives surrounding this expression of the nexus of identity-based power, I do not mean to imply that women are incapable of perpetrating harassment themselves, including racist or homophobic verbal slurs.³⁹ However, it would equally be a mistake to make equate these two behaviors.

Some researchers have specifically focused on the meaning of street harassment for women who are also structurally oppressed because of race, class, or sexual orientation. Hawley Fogg-davis reviewed the case of a teenage black lesbian girl who was harassed on the street by a man who subsequently murdered her.⁴⁰ Fogg-davis argues that the harassment of young black women is ignored to a greater extent because of the widespread social devaluing of black bodies. Her article challenges black feminists to “articulate the political harm of street harassment among African Americans and to highlight the particular ways that black lesbian identification complicates that political harm.”⁴¹ Deidre Davis further probes the effect of street harassment on black women.

³⁸ Bowman, “Street Harassment and the Informal Ghettoization of Women,” 522.

³⁹ Gardner, *Passing By*, 9.

⁴⁰ Fogg-davis, “Theorising Black Lesbians within Black feminism: A Critique of Same-Race Street Harassment.”

⁴¹ Fogg-davis, “Theorising Black Lesbians within Black feminism.”

Davis connects white men's harassment of women on streets to the tropes of African slaves as women who needed to be controlled, partly because of their seductiveness.⁴²

The lack of intersectionality is not the only uncovered ground in street harassment literature. Studies that analyze male perpetrators in order to understand who harasses and why are scant. There is also little comparative academic research on international street harassment. It seems probable, for instance, that the intensity of street harassment lessens as gender equality improves. However, there is no dataset to test such a hypothesis. There is little information on the differences in street harassment between urban and rural areas. The lack of academic research means that it is difficult for researchers to understand how street harassment has evolved over time. The specific ways street harassment interacts with other phenomena are also unknown. What is the statistical link between street harassment and rape? How many times per day does the average woman in NYC experience street harassment? The implications of this lack of data cannot be understated: not only are street harassers empowered on streets, the patriarchal culture street harassment taps into also contributes to the infrequency of academic research on the subject. Thus, the street harassers silence women doubly.

Fighting against this silencing is a centerpiece of activists' work. Hollaback!, an organization dedicated to combatting street harassment, has the tagline "You have the power to end street harassment".⁴³ This goal is accomplished partly by encouraging women to take photos of street harassers to publish on hollaback!'s website, an action that both provides a venue for women to voice the harm of street harassers while

⁴² Davis, "The Harm that Has No Name: Street Harassment, Embodiment, and African American Women."

⁴³ Hollaback!, <http://www.ihollaback.org/>.

exposing those who commit street harassment. Stop Street Harassment is similarly focused on countering the silence surrounding street harassment. The organization's website includes a plea for money to support a national study to document, understand, and quantify the effects of street harassment.⁴⁴ However, the potential of these activist responses alone is limited, especially when the full extent of the problem is brought into view.

What is often ignored in this debate is the ways in which policy frameworks are constructed to make street harassment appear to be an unfortunate but inevitable fact of modern life. At the local level, police often ignore or minimize street harassment, sending a message to victims, perpetrators, and bystanders that street harassment is, at the very least, not a serious issue and that it is at some level tolerable. Even more troublingly, police themselves are often the perpetrators of harassment against women. At the state and government levels, the lack of laws to bring order back to the public space facilitates a culture of indifference to sexual violence. Further, when the government does address sexual violence and rape culture, it is often solely through a public health framework, a choice that limits understanding the scope of the harms at hand. What is most striking, though, is the ways in which the governmental approach to street harassment acts as a collusive force with actual street harassers. Ignoring the victimization of women in the public space and advising women to stay at home or enter the public space only with a 'bodyguard' foster fertile ground for street harassment. With this perspective in mind, it becomes clearer the ways in which street harassment is not the natural by-product of

⁴⁴ Stop Street Harassment, <http://www.stopstreetharassment.org/donate/>.

relations between sexes but instead an outcome of specific policies, laws, and narratives endemic in US society.

Chapter One

Understanding Street Harassment:

Governmental Framing and Women's Responses

Federal government policy consistently minimizes and downplays the impact of street harassment by focusing on sexual harassment as an individual rather than cultural and structural problem. As the survey of governmental advice below will demonstrate, the phrase 'street harassment' is never mentioned although there is substantial focus on treatment plans and legal advice for employers. Instead, the government provides a range of policy to combat harassment in public places such as advising women to stay at home or to never travel alone. The other major focus is on 'prevention' and on creating a framework that will allow women to prevent their victimization. As governmental policy towards street harassment minimizes its importance, women react to the trivialization both by internalizing the message and fighting against it. In this chapter I will also contextualize governmental policy on street harassment with a short history of how, when

and why policy toward sexual harassment was developed. Finally, a comparison of the federal government's narratives of street harassment to women's public accounts demonstrates both the tenacity of the existing policy frameworks and the way in which these frameworks are deeply insufficient.

The government approaches street harassment in a variety of oblique ways. To begin with, the term tends to not be used in government publications. Instead, 'sexual harassment' is discussed within the context of the space it occurs, although sexual harassment in public, a phrase that could be understood to refer to street harassment, is also rarely addressed. In every case, departments and organizations approach the issue from their particular institutional perspective, meaning there is no comprehensive approach to street harassment specifically or sexual violence in general. For instance, the Department of Justice tends to discuss any type of sexual harassment through naming and clarifying relevant legal distinctions for employers or educators. The DoJ categorizes harassment, teen dating violence, sexual violence, stalking, domestic violence as "special topics in violence and victimization."⁴⁵ On the other hand, the Center for Disease Control and Prevention tends not to use the term 'sexual harassment.' Instead, the CDC studies 'Sexual Violence' which, they write, "refers to sexual activity where consent is not obtained...the person responsible for the violence is typically male and is usually someone know to the victim."⁴⁶ In all of these cases, bureaucratic priorities mean that there is no literature that addresses the phenomenon of sexual harassment and violence comprehensively.

⁴⁵ US Department of Justice, *Solicitation: Research on Violence and Victimization across Life-Span*.

⁴⁶ Centers for Disease Control and Prevention, *Injury Center: Violence Prevention: Sexual Violence*.

While the Department of Justice omits street harassment from its material as it is not one of their ‘special topics in violence’, the CDC’s definition of sexual violence explicitly excludes frameworks that could include street harassment. The CDC writes “CDC uses a 4-step approach to address public health problems like sexual violence: 1. Define the Problem 2. Identify risk and protective factors 3. Develop and test prevention strategies 4. Assure widespread adoption.”⁴⁷ In this approach to sexual harassment and violence, the responsibility lies with women to understand why they are being victimized so the government can intervene with ‘prevention strategies.’ The language used also implies that a straightforward programmatic design will be sufficient to end sexual violence. For instance, the CDC can ‘develop and test prevention strategies’ to end sexual violence. This bullet point not only implicates women as the responsible party to end sexual violence, but suggests that this problem can be solved through tinkering and testing, as if it were a physical disease. Indeed, bullet point two highlights this strategy by arguing that ‘identifying risk and protective factors’ will lead to better programs to test. Once again, what factors is the CDC referring to? Though this statement is not clarified elsewhere in the document, it seems to imply that the CDC would like to understand the ‘risks’ that women exhibit that make it likelier they will be the victim of violence. Once again, the focus is on understanding the pathologies women exhibit that make them likelier to experience this public health problem. In this framework, the perpetrator of sexual violence is entirely absent.

The conceptual victim blaming of the CDC and the DoJ is carried to its fullest extent through literature published by the Office on Women’s Health. The US

⁴⁷ Centers for Disease Control and Prevention, *Injury Center: Violence Prevention: Sexual Violence*.

Department of Health and Human Services Office on Women's Health developed a 'Sexual Assault Fact Sheet,' so named although it includes no facts. One section of the fact sheet begins "How can I lower my risk of sexual assault? There are things you can do to reduce your chances of being sexually assaulted. Follow these tips..."⁴⁸ Included is advice such as "Be wary of isolated spots, like underground garages, offices after business hours, and apartment laundry rooms." and "Avoid walking or jogging alone, especially at night. Vary your route. Stay in well-traveled, well-lit areas."⁴⁹ This advice is the logical conclusion of the suggestions from the CDC such as 'identifying risk and protective factors.' In this case, isolated spots and walking at night are these factors. The Fact Sheet demonstrates the fallacies of the 'prevention' approach. From this material, it appears the official recommendation is that women respond to structural discrimination and oppressive public spaces by removing themselves from the public space to the greatest extent possible.

It is interesting to imagine what kind of life a woman would have to lead to 'prevent' sexual assault and street harassment. By the government's advice, she would live only in a well-lit and central area, not leave home at night or alone. She would always be alert and ready to prevent attack. She would have studied a variety of well lit routes home, and make sure that she never took the same one too often. She would also never work late at an office nor would she do laundry if the room appeared too isolated. It is hard to imagine what person the Office of Women's Health believes could follow these recommendations or what purpose they serve other than to make women nervous every time they violate one of these rules. Further, the impossibility of the suggested prevention

⁴⁸ Womenshealth.gov, "Sexual Assault Fact Sheet."

⁴⁹ Womenshealth.gov, "Sexual Assault Fact Sheet."

strategies speaks to the uselessness inherent in the ‘prevention’ policy approach. When placing the responsibility upon women to reduce their risk of sexual assault, the very suggestions proffered prove that such a task is both improbable and impossible. However, this paradigm provides a way to legitimize the lack of substantive and comprehensive policy on street harassment and sexual assault.

The ‘prevention’ approach is extremely common. The New York City Police Department releases weekly crime prevention tips, many of which echo national prevention recommendations extremely closely. This is especially paradoxical given that the NYPD uses extremely aggressive policing strategies in general, yet sidelines other issues like street harassment and sexual violence as crimes that people bear the onus of preventing themselves. For instance, in October 2012 the NYPD released its monthly ‘Crime Prevention Tips’ which included advice for nightlife safety such as “Always carry enough money for a taxi,” presumably to prevent street harassment, assault or rape.⁵⁰ This piece of advice makes clear the class-conscious undertones of street harassment. Does the NYPD expect that every person who goes out at night can afford a cab ride home? Further, is it true that the only way to be safe at night is to take cabs? If this is so, it would suggest the NYPD is doing a poor job in maintaining safety at night. Further, the NYPD’s approach also highlights the individual-oriented focus of these recommendations. Prevention tips rarely take the form of bystander advice or strategies for citizens to make life safer for everyone. And, there is no official advice directed to perpetrators of crime. Instead, the emphasis is on ways that individuals can reduce their risk of crime victimization. It is this individualist approach that leads to victim-blaming:

⁵⁰ NYPD, “Crime Prevention Tips – October 2012.”

if there are strategies to reduce crime (however difficult to implement they may be), then being the victim of a crime must be self-inflicted.

Street harassment is also marginalized through governmental reporting procedures. Without a name, it is not counted and tallied in official documents. For instance, the National Intimate Partner and Sexual Violence Survey, conducted by the National Center for Injury Prevention and Control, is a comprehensive source of information on rates of rape, stalking, domestic violence; it also estimates the rate of these crimes population-wide.⁵¹ The closest it comes to analyzing street harassment is through measuring “non-contact unwanted sexual experiences”, although that excludes contact-based street harassment and fails to separate between public and private space. The lack of consideration for street harassment—a policy problem that would greatly benefit from the type of data the NISVS could provide—is even more glaring when judged against CDC’s own criteria and goals for the survey. “More than two decades of research has shown that sexual violence and intimate partner violence are major public health problems with serious long-term physical and mental health consequences, as well as significant social and public health costs” the NISVS begins, succinctly articulating the public health harms of sexual violence, including street harassment.⁵²

The authors also note that stalking has been included in the study relatively recently because it has “increasingly been recognized” in the past decade as a public health issue with similar consequences to other types of sexual violence. Given that the NISVS authors argue that only types of sexual violence that have been shown to impact

⁵¹ Center for Disease Control and Prevention, *National Intimate Partner and Sexual Violence Survey*.

⁵² Center for Disease Control and Prevention, *National Intimate Partner and Sexual Violence Survey*, 7.

public health are studied, the omission suggests that street harassment does not specifically impact public health. Surveys such as the NISVS define the boundaries of what is and what is not a harm toward women through the topics they deem meritorious to study. The importance of data to any policy problem cannot be underestimated. Data provides proof and credibility, while the lack of data appears to indicate that an issue is inconsequential. Furthermore, the NISVS especially is an authoritative source of information, given its governmental origins and large sample size. The paradox is that for a type of sexual violence to be included in NISVS it must already have garnered public legitimacy, and to garner public legitimacy data such as what NISVS produces is necessary.

All of these documents are significant in the way they influence how women understand street harassment in their own lives and for the ways in which they define the boundaries of what society does and does not consider sexual violence. Governmental documents appear to be objective, implying that their recommendations and definitions accurately reflect women's understandings of violence and are empirical. Below, I will demonstrate that these supposedly neutral frameworks have real impacts in shaping the way women interpret the meaning of street harassment and the way women try to respond to street harassment. First, though, the context of governmental legitimization of sexual harassment indicates the ways in which policy is far from objective and how rapidly policy perceptions can change. Finally, the way sexual harassment was constructed as a policy problem in the 1970s has ramifications today in the way street harassment is interpreted.

Sexual harassment and the impact of incomplete definitions of gender crimes

A survey of government materials demonstrates that street harassment is decidedly not a ‘type’ of harassment that is counted nor is it one that government agencies are trying to create policy on. However, some decades ago ‘sexual harassment’ itself was cast in a similar light. Since the 1950s and 1960s, there has been a substantive re-definition of how violence and assault are conceptualized. The terms child abuse, domestic violence, and sexual harassment all reflect new understandings of the potential harm of intimate relationships and gender-based violence.⁵³ For instance, the idea that a husband could rape his wife, and that the rape would not be her fault, was deeply refuted in academic studies up to the 1960s.⁵⁴ The story of the way in which sexual harassment became a policy problem illustrates both why street harassment is currently not understood to be one, its possible trajectory toward becoming one, and ways the street harassment policy can improve upon the precedent of anti-sexual harassment law.

In the 1960s and 1970s, sexual harassment emerged as an issue of public concern in a new way. The process began with landmark legislation. Title VII of the Civil Rights Act of 1964 created the possibility of filing lawsuits in cases of workplace sexual harassment, the first of which occurred in 1972.⁵⁵ To do so, however, activists would have to re-define workplace sexual harassment as a form of sex discrimination.⁵⁶ Weeks and her co-authors argue that in this era there were several simultaneous events that

⁵³ Muehlenhard, “The Social Construction of Violence: The Case of Sexual and Domestic Violence,” 235.

⁵⁴ Muehlenhard, “The Social Construction of Violence: The Case of Sexual and Domestic Violence,” 236.

⁵⁵ Weeks, “The transformation of sexual harassment from a private trouble into a public issue”.

⁵⁶ Siegel, “Directions in Sexual Harassment Law,” 11.

spurred greater public concern on the issue: a few high profile books highlighting and questioning therapists' relationships with their clients, an advocacy group formed in conjunction with Cornell University, and litigation increased, all of which helped bring the topic to the forefront of public debate. In 1976, courts determined that sexual harassment was sex discrimination under Title VII of the Civil Rights Act of 1964, and the number of articles discussing the issue dramatically spiked in the following five years.⁵⁷ By the end of the decade, the federal government held hearings to investigate the issue and published new guidelines for workplaces. All these events are remarkable given that sexual harassment first entered the lexicon in 1975 and given the initial unwillingness of courts to recognize the argument in the early 1970s.⁵⁸ Muehlenhard and Kimes argue that the tipping point for sexual harassment policy occurred only as a result of the women's movement, changing gender norms, and women's increased political representation. Indeed, if criminal codes are understood to be a reflection of the beliefs and priorities of those in power, the fact that women were even incrementally more powerful in the 1970s than the 1960s was essential to precipitating the new definition.⁵⁹

The way that sexual harassment grew to be conceived as a harm has long after-shadows, including the way that street harassment is currently understood. Given its genesis as a law banning employment discrimination based on sex, workplace sexual harassment had to be framed as a harm against women as a group, creating a 'hostile

⁵⁷ Weeks, "The Transformation of sexual harassment from a private trouble into a public issue," 438 and 440.

⁵⁸ Weeks, "The Transformation of sexual harassment from a private trouble into a public issue," 444. and Siegel, *Directions in Sexual Harassment Law*, 11.

⁵⁹ Muehlenhard, "The Social Construction of Violence: The Case of Sexual and Domestic Violence."

environment.⁶⁰ Seemingly, this conception of sexual harassment would mean that street harassment could be a straightforward extension of this paradigm. One barrier to a contiguous understanding is the fixation on physical space in policy on sexual harassment. Hand-in-hand with the hostile environment claim is the understanding that sexual harassment is a group-based worksite harm. Given the genesis of sexual harassment as an interpretation of anti-workplace discrimination law, it is logical that sexual harassment was originally conceived as a workplace-based problem. What is more puzzling is why conceptions of sexual harassment remain rooted in the centrality of the workplace. It is possible that the high standards for workplaces created in the wake of these decisions, combined with a patriarchal backlash to the new approach, have made governmental agencies wary of expanding the definition of sexual harassment. Indeed, compared to the original progressive understanding of sexual harassment as creating a hostile environment that affected all women, government rhetoric has regressed significantly.

Still, the case of sexual harassment bears remarkable similarity to street harassment. Siegel notes that activists at the time had to contend with two major critiques. “Sexual harassment was rejected as a personal matter having nothing to do with work...Alternatively, judges reasoned that sexual harassment was natural and inevitable and nothing that law could reasonably expect to eradicate from work.”⁶¹ These two arguments against providing legal remedy for sexual harassment are the exact same justifications used to deny the need for street harassment policy. Siegel provides further insight into why sexual harassment law has not created a paradigm that extends to street

⁶⁰ Cahill, *The Social Construction of Sexual Harassment Law*, 11.

⁶¹ Siegel, *Directions in Sexual Harassment Law*, 11.

harassment. “[E]ven as anti-discrimination law recognized sexual harassment as a species of sexual discrimination, it did so without acknowledging the larger social arrangements within which the practice of sexual harassment acquired dignitary meaning and distributive consequence.”⁶² The case of sexual harassment provides one more example where societal narratives dismiss examples of structural discrimination as individual and isolated incidents. Street harassment, too, suffers from a lack of context without which the meaning of these types of sexual violence becomes incomprehensible.

Women’s responses

Without policy paradigms that acknowledge the harm of street harassment, women react both by internalizing the message of trivialization and fighting against it. A survey of public, written accounts of street harassment reveals two trends: one, that women feel no less strongly about the impact of street harassment because official sources downplay its impact and two, that the way the government expresses the harm of street harassment influences the way women discuss and interpret the experience. The tension between these two reactions is evidenced repeatedly in public, first-hand accounts of women’s experiences. In lieu of governmental support, an entire online community has developed as a venue for women to share accounts of street harassment, share ideas for how to handle it, and organize to prevent it.

Some women directly address the contradiction between societal perceptions and their own. For instance, in an opinion piece in the online magazine *Feminispire*, Jackie Klein writes “When a strange man calls out to me on the street or follows me, I don’t feel

⁶² Siegel, *Directions in Sexual Harassment Law*, 18.

flattered by the attention. I feel harassed. I think about all the ways society will tell me I deserve it.”⁶³ Klein’s comment speaks to the difficulty of articulating the harm of street harassment when official sources do not treat it as noteworthy. Similarly, Klein writes that street harassment is a persistent reminder of “all the ways society will tell me I deserve it”, referring to sexual harassment and victimization more broadly. Testifying at New York City Street Harassment hearings, Mandy Van Deven spoke about watching a documentary on street harassment and realizing the message “validated my fear and anger at having to endure this hostile behavior from men and impressed upon me that street harassment was not acceptable and that I shouldn’t be expected to tolerate it.”⁶⁴

Colleen Eliza points to the way this divide has changed her behavior, writing “Street harassment is all too common...I typically don’t [speak up]but I may start. It makes me uncomfortable to even think about having to talk back, but really, it’s the better way to go.”⁶⁵ In a post on *hollaback!* Jay writes “I’m so thankful to have found a community where I can vent about harassment without judgment. When I bring it up with people close to me, I’m told disturbing things such as ‘your attractive, you can’t stop men from seeing you [sic]’ or just general comments suggesting that I’m bringing it on myself in some way.”⁶⁶ These women’s responses indicate that many find street harassment to be doubly isolating. Women feel isolated and shunned in the public sphere by actual harassers, and then go through the same process when women’s frustration and sadness is marginalized by society at large. As these women write, the tendency by society to

⁶³ Klein, “Street Harassment: Sorry My Daily Life Interrupted Your Penis’s Ego.”

⁶⁴ Deven, NYC Street Harassment Hearings.

⁶⁵ Eliza, “My Street Harassment Journal 2- At week’s end.”

⁶⁶ hollaback! “Jay*’s story: “I’m so thankful to have found a community where I can vent about harassment without judgement.”

trivialize the significance of street harassment makes it harder to formulate a response when it occurs.

Another way women understand street harassment is through the structural restrictions it places on their lives. In this way, women's assessments mirror the CDC's recommendations to limit the public space they occupy, although none do so happily and only as a measure of last resort. Klein writes:

“Going out at night, for a woman, is never a simple matter...I know that for me, any anxiety about going out comes from the amount of time, if any, I'd have to spend walking from one location to another alone. Each situation warrants a different response. I have no problem walking a couple blocks from the subway to the train station alone...I get a little nervous during the walk through the parking lot from the train to my car as the lot empties, but again it's not enough to stop me from coming home late at night. If at any given time I have to walk more than a couple blocks alone, particularly if it's after midnight, I get paranoid. Every random passerby becomes a threat.”⁶⁷

On the NYC *hollaback!* blog, designed to be a forum where women share and document their experiences of street harassment, Sarah writes about her comfort in public after a man groped and harassed her verbally in Hell's Kitchen, “Even now when I walk down the street and someone suddenly comes up behind me or walks by real fast, I get freaked out they're going to harass me. It's a terrible feeling...”⁶⁸ At the NYC Street Harassment Hearings, Grace Tobin testified “I should be able to wear what I want without having to worry about men taking advantage of me. I shouldn't have to leave social outings early just because it's past 9:30 PM and it's considered too late for a girl to be taking a long train ride by herself.”⁶⁹ Women often vacillate between relief that they have some amount of agency in this situation, of being able to simply not participate in public life

⁶⁷ Klein, “Street Harassment: Sorry My Daily Life Interrupted Your Penis's Ego.”

⁶⁸ hollaback! “Sarah's Story: THE WORST “SH*T.””

⁶⁹ Tobin, NYC Street Harassment Hearings.

and therefore not experience street harassment, and frustration that the only feasible strategy to prevent street harassment is isolation.

Women also speak of indecision and frustration with the lack of tools available to deal with street harassment, given that staying out of public spaces altogether is not feasible. Is the appropriate response silence? A stern warning? A phone call to the police? Every calculation of what constitutes a good response is balanced by a sense of responsibility to communicate to the harasser that the behavior is unacceptable and with the risk of escalating harm that might meet a response. *Hollaback!* is partly designed to be a forum where women can post photographic evidence of harassers, with the hope that this will publicly shame men in a safe way for women. For instance, in one post a woman writes “I saw this man on the 7 train verbally harass a woman. He loudly said he was going to ‘fuck her brains out....’....The interaction was completely unprovoked and made me feel uncomfortable enough that I moved cars after taking this photo.”⁷⁰ Below her description is an inconspicuously taken cell phone picture of a man sitting around ten feet away, eating takeout.

Of course, taking a picture is not always feasible. One man writes in an article called “Men of DC: Stop Harassing Women” that “I’ve been trying something new, speaking up when I see it [street harassment]. Once, on a bus, it got a little iffy + too close for comfort.”⁷¹ Jackie Klein documents her responses “I’ve responded in a myriad of ways to street harassers: I’ve tried the passive approach of just ignoring them; I’ve tried faking a phone call...I once yelled “f**k off!” at a car filled with men whistling at

⁷⁰ hollaback! “HOLLA ON THE GO: ‘fuck her brains out, suck that pussy.’”

⁷¹ The42bus: Men of DC, “The 42: Men of DC: Stop Harassing Women.”

me...”⁷² On the website *Stop Street Harassment*, Betty Miller shares her experience of harassment in her neighborhood grocery store. After she ignored a man who suggestively approached her, she decided to tell the man why his behavior was offensive, only to be shoved to the ground twice as she tried to leave the escalating situation.⁷³ For many, it is the specter of verbal street harassment turning violent that makes every encounter threatening. Emily Heist Moss writes in *RoleReboot* “When women get harassed...do you know what we think? We wonder, am I going to get out of this safely? Am I going to walk away from this? Where are my keys if I need to stab someone in the eye?”⁷⁴

As these accounts demonstrate, every time a woman is confronted by a street harasser, she must decide how to respond. The decision is difficult and there is no way to balance competing desires to be safe and assert her rights. Instead, the benefits and costs of every possible approach are mulled over and dissected again and again so that women are always ready for the next incident of street harassment. In this way, the ‘victims’ of street harassment are constantly preparing in exactly the way the government recommends. What is lacking, though, is evidence that the government is supporting women who are victims of street harassment with treatment plans and, of course, if there is any evidence that this prevention/treatment paradigm is appropriate. The lack of clarity on appropriate responses is compounded by the fact that official advice recommends avoidance at all costs, a message that undermines women’s confidence to respond to street harassment

⁷² Klein, “Street Harassment: Sorry My Daily Life Interrupted Your Penis’s Ego.”

⁷³ Miller, “I don’t owe any guy out in the street anything.”

⁷⁴ Moss, “A Letter to the guy who harassed me outside the bar.”

Out of these written accounts, one remaining question is: how do the feelings articulated above impact women's lives psychologically? Over time, how does powerlessness to prevent harmful and harassing behavior change women's perspectives and beliefs? Jackie Klein writes that continual harassment has made her fearful and suspicious. "When you live with this mindset [of victimhood], you can't expect a woman to feel comfortable when a stranger talks to her on the street when she's alone. Of course she's always going to jump to the worst conclusions..."⁷⁵ In an op-ed, Elizabeth Mendez Berry argues that street harassment is harmful to women because it is inextricably linked to forced sexual violence.⁷⁶ For Jack, a blogger at *Angry Brown Butch* who identifies as a genderqueer butch, street harassment becomes a way that men try to assert power over her. She writes "Sometimes, when I'm getting harassed... I think that guys definitely assume that I'm queer and not interested in them, but they do it anyway just to demonstrate that, however I dress, however I define and express my gender and my sexuality, I'm still just a woman to them; I'm still below them..."⁷⁷ One New York City Councilwoman has said that street harassment is a persistent reminder of the disempowerment and over-equalization she experienced as a young child.⁷⁸

Many women feel angry. At New York City street harassment hearings, Grace Tobin, a high school student testified, that while trapped in a subway car where a man was masturbating in front of her "I wanted to scream at that man, who was so sick in the mind and inconsiderate, I just wanted to hurt him. I wanted to yell at the other people on

⁷⁵ Klein, "Street Harassment: Sorry My Daily Life Interrupted Your Penis's Ego."

⁷⁶ Berry, "Street Harassment: The Uncomfortable Walk Home."

⁷⁷ Jack, "Gender/queerness and street harassment."

⁷⁸ Van Deven, "Takin' it to the Streets: The perfect Victim (Part II)."

the train, all huddled on the other side. They knew something was wrong...”⁷⁹ On tumblr, a woman who blogs under the moniker ‘Fat Heffalump’ writes of a day when she was verbally harassed four times on her way to work. “As you can imagine, I was understandably REALLY angry. Angry that I could not walk to work, minding my own business, without being harassed by a man... But just because I’m angry and expressing that anger, doesn’t mean I’m also not traumatized by that experience.”⁸⁰ S. Song testified in at the NYC Hearings about a man masturbating to her on a subway train “I looked up and saw that there were a couple of other people on the train, who I looked at pleadingly for help in my moment of panic and fear.”⁸¹ On *Stop Street Harassment*, Natasha Vianna writes about being groped at a club “Trying to explain how disrespected I felt is something I can’t put into words.”⁸² These women all point to the fact that street harassment has a deeper meaning than the incident itself. For the women quoted here, street harassment is a persistent threat, representing a routine and constant marginalization in society. Further, what all these reactions have in common is that street harassment becomes a sign of structural and intractable inequality. The long-term impact is hard to understand and quantify, but it is not unreasonable to expect that the daily specter of street harassment impacts every part of women’s lives significantly.

The themes of women’s responses to harassment are particularly incongruous with governmental advice on mechanisms to deal with the emotional consequences of sexual violence. Although street harassment is not a specifically recognised type of harassment by the government, there are general guidelines provided about strategies to

⁷⁹ Tobin, NYC Street Harassment Hearings.

⁸⁰ Fat Heffalump, “On Street Harassment and Male Responsibility.”

⁸¹ S. Song, NYC Street Harassment Hearings.

⁸² Vianna, “USA: Surviving a night out as a woman.”

cope with sexual violence. For instance, the US Department of Health and Human Services Office on Women's Health runs a website called womenshealth.gov, with the tagline "Empowering women to live healthier lives!" In the section "Violence against women," the group counsels "Whether you are attacked by a stranger or mistreated by a partner, violence and abuse can have terrible effects. You can get help for any physical and emotional problems. You can feel better."⁸³ Then, the website outlines a few ways to get help such as calling the police, hotlines, trusted friends, health care professionals, shelter or rape crisis center, or an advocate.⁸⁴ These suggestions speak to the ramifications of constructing sexual harassment as a venue-specific event. When the harassment is persistent, diffuse, and all-encompassing, these suggestions are insufficient. Further, they run counter to the perception of the women quoted earlier through the recommendations' implication that harassment is a personal problem that can and should be dealt with by seeking professional support. Although it seems unlikely that the authors intended this statement to apply to every form of sexual violence and harassment, the vague way the advice was written and the fact that approaches such as these are the only ones that exist from the government mean that they are the source of official support. Many women's accounts respond to this paradigm by acknowledging how difficult it is to know how to act in the moment and, often, by providing practical advice and strategies on how to manage street harassment.

An outcome of this official advice, and the general lack of discussion about how to effectively react to street harassment, is that women struggle to respond in a way they feel is adequate to harassment. In this vacuum, community building and knowledge

⁸³ Womenshealth.gov, "Types of Violence against women."

⁸⁴ Womenshealth.gov, "Get help for violence."

sharing becomes a form of resistance. Many accounts conclude with advice for other women about adequate responses, in lieu of a socially accepted strategy to manage harassment. For instance, one *hollaback!* poster Neshama writes that a man on a San Francisco bus rubbed his penis against her leg. She moved her seat but writes that “I wish I had known that [the bus had a panic button], or had taken a picture of him, or somehow had publicly outed exactly what he was doing to the other people on the bus – just asked for help.”⁸⁵ Similarly, Carey writes on *hollaback!* that a man sexually assaulted her on the bus and “I started freaking out and stood up and moved to the front of the bus, at which point the perpetrator exited...” She cautions “Keep an eye out and if he or any other person does this sort of thing to you, don’t make the same mistake I did. Call 911 immediately.”⁸⁶

Betty Miller, who previously described being physically attacked after engaging with a street harasser, concludes her story by writing “[T]hat experience just showed me that while it’s okay to be polite and speak to someone once in a while, I don’t owe any guy out in the street anything, especially if I don’t know him. Period.”⁸⁷ A correspondent for Stop Street Harassment, an activist group, recommends that it is incumbent upon every woman to prevent street harassment. “This also means taking action and standing up for yourself as well. If you find yourself in a situation in which you are being harassed, take action and let the harasser know that their harassment will not be tolerated.”⁸⁸ At NYC Street Harassment Hearings, S. Song explained her refusal to engage with harassers after realizing that responding might put her in physical danger and

⁸⁵ *hollaback!* “Neshama’s story: “Don’t EVER do that again. It’s not okay.”

⁸⁶ *hollaback!* “Carey’s story: Violated on the bus.”

⁸⁷ Miller, Betty. “I don’t owe any guy out in the street anything.”

⁸⁸ McKelle, “USA: You have the power to stop street harassment.”

that a response is often the harasser's goal. "My silence does not have anything to do with approval. It is a deep and dark conclusion, accumulating from countless life experiences and enough trial and error: there is no way to fight back and win."⁸⁹

The desire to conclude accounts by providing suggestions to manage harassment represents a reaction to the lack of official advice. Just as a woman must decide how she can safely respond to harassment every time it happens, she must also prepare herself to react at all. Socially, people, and women especially, are taught to behave politely and courteously to strangers. Restraining that initial impulse in the case of street harassment takes mental preparation. Furthermore, women also must ignore official sources of advice if they wish to respond at all, given that the government recommends avoidance and self-isolation as the main strategy to combat street harassment. Thus, having the courage to respond to street harassment is a challenge, since women must suppress both their own instincts and official advice. For these reasons, responding to street harassment becomes a transgressive behavior.

Still, governmental paradigms lead many women to downplay the impact of street harassment on their lives. Nielsen found that "the women I interviewed said they prefer to control the situation by reinterpreting it as relatively harmless..." instead of searching for a legal remedy to street harassment; some "disfavored legal intervention because they believe that women can avoid being made the target of such speech and that they can control the situation when they are, nonetheless, targeted."⁹⁰ It would be foolish to underestimate the impact of official narratives on the meaning and definition of sexual

⁸⁹ S. Song, NYC Street Harassment Hearings.

⁹⁰ Nielsen, "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment," 1077.

harassment, and how these narratives shape the way women themselves perceive street harassment. The society-wide tendency to downplay the relevance of street harassment also illuminates the significance of those who do respond and fight back to street harassment.

Throughout these written accounts of street harassment, it is a theme that men, both harassers and bystanders, remain enigmas. Women rarely report knowing who the harassing men are, where they are from, or why they harass. Instead, the construction of street harassment—both by women and by the government—tends to take on a victim/perpetrator paradigm. In this paradigm, men take on an archetypal role but largely remain unknown otherwise. Some of these accounts do waver from this paradigm in the repeated plea that men begin to understand how their role as perpetrator harms women and change this gendered behavior. Some activists also argue that harassment is a group behavior, and one man within a group of men has the power to drastically change this behavior. Many women stress the importance of men refusing to be a bystander to harassing behavior, and instead counsel men should intervene on the harassed woman's behalf.

Although the men who harass are rarely addressed, many accounts conclude by providing advice to men as bystanders. Similar to the advice authors provide to other women, authors of these accounts typically provide advice on ways to combat the problem of street harassment. Fat Heffalump writes “Most of all, it's time for men to stand up against this kind of thing. It's time for men, not just to stop doing it, but to speak up when it happens in their presence AND to support women who speak about their

experiences.”⁹¹ Patrick McNeil, a street harassment scholar and activist, writes “First, we need to speak up when we witness acts of public harassment...”⁹² Jackie Klein argues that when street harassment happens “[t]here’s those who either speak up or attempt to help the victims out. It doesn’t matter how the latter is played out—whether it’s a stranger telling off a harasser, a stranger apologizing for scaring a woman by their actions, or my neighbors telling me to keep walking home and not worry about the men clearly trying to make me feel uncomfortable, it all helps.”⁹³

Often, this advice is intended to shame men into behaving better. For instance, Emily Heist Moss chronicles an experience of street harassment in a letter to her harassers, which concludes “You were a harasser, the guy they make subway posters about, the guy who contributes to rape culture...Do you really want to be that guy?”⁹⁴ Some men adopt a similar rhetorical strategy, appealing to cultural ideals of masculinity to encourage men to stop harassing. “Men of DC: get it together. Street harassment is really out of control here... Women endure catcalls, unwanted touching, name calling, assault, and worse as a matter of fact. Come on, we’re better than that!”⁹⁵ This strategy for addressing street harassment walks a fine, culturally complex line. Exhorting men to behave better and stop harassing avoids placing blame on women for harassment. However, the idea that men should behave better because of their masculinity rests on traditional understandings of gender roles that feed into street harassment itself. Still, this

⁹¹ Fat Heffalump, “On Street Harassment and Male Responsibility.”

⁹² McNeil, “Harassing Men on the Street.”

⁹³ Klein, “Street Harassment: Sorry My Daily Life Interrupted Your Penis’s Ego.”

⁹⁴ Moss, “A Letter to the guy who harassed me outside the bar.”

⁹⁵ The42bus: Men of DC, “The 42: Men of DC: Stop Harassing Women.”

strategy marks a departure from government advice that altogether ignores the role that perpetrators play in street harassment.

As shown above, advice runs the gamut from recommending that women speak back to harassers, to reminding women that they should feel comfortable not responding to catcalling, or advising that women immediately call the police. Or, other authors speak directly to men and ask for support as bystanders to prevent harassment. All of these approaches rely on the belief that greater personal awareness and cultural changes will be successful strategies to reduce the prevalence of street harassment. In women's reliance on personal change to address street harassment, the suggestions quoted here mirror the government's. In this understanding of street harassment, the problem is a cultural flaw that can, perhaps, be remedied by sufficient awareness and education, in the form of websites like *hollaback!*, bystander support, and peer pressure from men to stop harassing. Such an approach echoes the government's assessment that sexual violence can be changed by individual behavioral changes. Of course, it is likely that activists rely on these methods because they are viewed as the most pragmatic. Still, it is remarkable that some of the overarching themes of the governmental approach to harassment in general have been echoed by activists.

However, this pragmatic strategy is not gaining widespread attention. Although activists rely on internet shaming and blogging accounts of street harassment to motivate social change, the publicization of these issues remains largely relegated to niche areas of the internet. Newspapers such as *The New York Times* or *The Washington Post* tend to publish few articles about street harassment, and the pieces that are written often focus on international street harassment, typically in countries that are widely perceived to have

gender problems, like Egypt or India. Indeed, street harassment in these countries merits persistent news coverage while it rarely does in the US. For instance, *The Times* published an article “Harassers of Women in Cairo Now Face Wrath of Vigilantes” on November 5, 2012. “Egypt’s streets have long been a perilous place for women, who are frequently heckled, grabbed, threatened and violated while the police look the other way.”⁹⁶ Although the sentence refers to Egypt, a reporter could have as easily been writing about streets in the US. Despite the evidence analyzed above and the surveys indicating a near-universal prevalence of street harassment, there is scant coverage of American streets’ perilousness for women. While the scope of the problem is extensive, awareness and coverage of it is meager.

It is likely that this very lack of coverage is the motivation for the raft of online accounts of street harassment in smaller media sources, woman-oriented websites, and on blogs. Entire blogs—such as *hollaback!* and *Stop Street Harassment*—exist as venues for women to share their personal experiences of street harassment. Blogs focused on social justice or directed toward women also frequently publish first-person accounts of street harassment and its effects. Partly, this focus is a response intended to compensate for the relative lack of coverage in more formal news publications. However, sharing an account of harassment online can be cathartic, too. Indeed, while street harassment is isolating and represents an exclusion from public space, sharing stories of harassment online provides an inclusive community. Often, these websites allow comments, meaning that authors can expect to receive a wide variety of supportive responses. *Hollaback!*, for instance, has a button at the bottom of each story that says “I’ve got your back!” which

⁹⁶ Fahim, Kareem, “Egyptian Vigilantes Crack Down on Abuse of Women.”

displays the number of times readers click in support. Further, publishing accounts is one strategy women have to respond to and fight street harassment. Hollaback!'s use of photos to shame perpetrators is explicit in this regard, but to some extent every woman who shares her story of harassment is protesting by speaking out against the harassing behavior. As previously discussed, women often use these communities to fight back by sharing knowledge. However, the available venues for women to express these emotions and words of advice are limited. Many of the authors above acknowledged that they were tired of responding to people who thought that harassment was harmless, or that they were happy to find a space where such statements were not common.

Governmental narratives about sexual harassment penetrate deeply, especially in the ways women interpret the meaning of street harassment. In a systematic way, the federal and local government advice and definitions quoted here create firm boundaries about what is sexual harassment and abuse. These boundaries deny women's experiences, create a framework that burdens women to stop their own victimization, and undermine women's agency and credibility in discussing their experiences of street harassment. The impact of this comprehensive de-legitimization of street harassment is reflected in these accounts, as women struggle with shame, frustration, anger and helplessness both at the street harassment they face and in the face of unsympathetic policy frameworks. The differing interpretations also raise the question: Who is allowed to define what is and is not a gender-based harm? What happens when there is a dissonance between societal definitions and individual realities? While sexual harassment policy demonstrates that the dissonance can sometimes be mediated, policymakers' reluctance to address the systemic

and structural causes of sexual harassment foreshadows the challenges ahead for creating policy on street harassment.

Chapter Two

Public Space and Street Harassment:

Paradigms of Government Intervention

Another way to understand how policy affects the intensity of street harassment is through its absence. Three examples, of Stop and Frisk policing, bullying, and public space planning, contextualize the way the lack of comprehensive policy is both anomalous in some ways while consistent with precedent in others. Although the government actively legislates many arenas of public life—prosecuting or ticketing, for instance, people who carry open containers of alcohol, bicyclists who violate traffic rules, or men who urinate in public, the crimes related to street harassment remain relatively unregulated and unprosecuted. The lack of attention to prosecuting street harassment, in comparison to the myriad zoning laws, recycling laws, and urban space plans cities design to be welcoming public spaces, is a telling policy decision. The government is

instrumental in shaping what public spaces become through regulation and through its absence. Of course, despite the tendency toward official indifference, public lewdness, groping, or assault are illegal. However, much of street harassment has no legal remedy, tort or criminal. Whether police will respond to complaints of public masturbation or groping is unpredictable. And, at every level of government, there are few comprehensive policies regulating sexual harassment in public spaces. In some sense, the lack of attention to street harassment is contradictory. Public space is viewed as a neutral arena where disorder must be prevented, yet certain kinds of chaos are tolerated perfectly well.

The economic and social implications of official indifference toward preventing street harassment are real. For women to fully participate economically, politically, and socially in US life, the ability to walk freely on streets is critical. Furthermore, governmental indifference toward street harassment impacts women unevenly. A woman of color or an LGBTQ women, who encounters additional harassment and discrimination, the lack of legal protection is even more profound. This is the case, too, for poor women who may not have cars, for women who are only able to find a job at night, for women who do not feel safe walking alone in their neighborhood or where they work. In other words, those who are already structurally oppressed or struggling within US society will likely bear a disproportionate burden of the unregulated world of street harassment. Although surveys demonstrate that street harassment is a harm almost every women experiences, the harm has different meanings depending on sexual orientation, class, age, race, and other factors. And, these factors influence the scope women have to avoid street harassment. As a corollary to this, the lack of policy interventions to reduce street harassment has a large impact and these impacts disproportionately affect some women.

Finally, the fact that some women must struggle more to be safe in public spaces, and often do not succeed, is a significant inequitable outcome of the lack of government intervention.

Furthermore, by a multitude of measures women are structurally disadvantaged in the US. Although it is impossible to measure precisely the impact of hostile public spaces, it is worthwhile to consider the ways in which women restricting their public lives influences society as a whole. Women on average earn much less than men and women are proportionally underrepresented in positions of power and public office. Street harassment physically limits women's lives, it undermines self-confidence as well as a sense of inclusion in society. Street harassment is not in and of itself a cause of every unequal gender outcome in the US, but it would be unrealistic to argue that the physical and social restriction of women in US society through street harassment is not a factor in overall gender inequality.

Street Harassment as a form of bullying?

From this perspective, and from the first-hand accounts of street harassment analysed in Chapter One, the lack of policy toward street harassment seems anomalous. As a case study of bullying elucidates, in different contexts problems that bear remarkable similarity to street harassment do receive thorough government attention. The recent anti-bullying campaigns show that forceful government intervention with the goal of changing deeply engrained social behavior can and does occur. The US Department of Health and Human Services has devoted a website to combating bullying – “stopbullying.gov.” The well-designed site has a variety of sections, including “Who is at

risk”, “Prevent bullying”, “Respond to bullying” and “Get help now”. Another section is titled “Considerations for specific groups,” where the government outlines an intersectional approach to understanding bullying. An interactive map allows users to find anti-bullying laws on a state-by-state basis. Under the “What you can do” tab, the Department of Health and Human Services outlines ways that parents, educators, community members, and other stakeholders can prevent bullying. Overall, the website is comprehensive and highly detailed. The content, presentation, and emphasis on concrete steps for action send a message that bullying is a serious problem, one that the government is working hard to deal with, and, crucially, a problem with solutions.

The government pushback against bullying goes further than websites, though. The Ad Council and stopbullying.gov have developed public service announcements that are shown nationwide. One ad, for instance, is titled “Be More Than a Bystander”. A narrator says “Every day, kids witness bullying. They want to help, but don’t know how. Teach your kids how to be more than a bystander.”⁹⁷ It is remarkable how attuned the stopbullying.gov campaign is to the social dynamics that create and perpetuate bullying. The fifteen second ad identifies what bullying is by screening an example, and argues that bullying is a shared social problem, in which the parties directly involved as well as bystanders and bystanders’ parents have a responsibility to change behavior patterns. Through this construction of the harm, bullying becomes a societal problem that every person in the country has a responsibility to work toward fixing.

⁹⁷ StopBullying.gov, “Be more than a bystander.”

The American Psychological Association includes ‘bullying’ as a ‘psychological topic’ on their website, where they provide advice for those who are bullied and suggestions for strategies to support victims. The APA gives this definition:

“Bullying is a form of aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words or more subtle actions. The bullied individual typically has trouble defending him or herself and does nothing to “cause” the bullying.”⁹⁸

Using this definition, bullying and street harassment become equivalent forms of interpersonal abuse, although official reactions to the two events could not be more different. Street harassment can take the form of physical contact, words or more subtle actions. Further, the harassed woman is typically defenseless and does not cause the harassment. Although the two phenomena have different causes, different goals, and different outcomes, these parallels raise the question of whether it would be useful to recast the abuse of street harassment as a type of bullying directed against women in the public space. Certainly, the paradigm of bullying provides a better framework than what is offered by official sources to describe sexual violence and street harassment. The APA definition, especially, is sensitive to the varied forms that bullying can take and emphasizes that the problem lies with the bully, not the bullied. Given the policy framework offered for bullying, it would be hard to imagine government advice such as “Be careful in poorly lit areas” or “Try to not be alone,” the standard recommendations for preventing street harassment.

The increase in governmental and activist attention to bullying was preceded by a growing academic focus on bullying. Beginning in the late 1980s and early 1990s, there were several articles published that gained widespread academic attention. In 1989,

⁹⁸ American Psychological Association, “Bullying.”

Valerie Besag published *Bullies and Victims in Schools: A Guide to Understanding and Management*, which has been referenced in 500 academic articles.⁹⁹ One 1996 article “Bullying At School: Knowledge Base and an Effective Intervention Program” by Dan Olweus notes that anti-bullying research began in Scandinavia in the 1970s and 1980s but “In the 1980s and early 1990s, however, bullying among school children has also attracted attention in Great Britain, Japan...and the United States. There are now clear indications of an increasing societal as well as research interest into bully/victim problems.”¹⁰⁰ Olweus outlines the result of a school-based anti-bullying program that he deems quite successful; his article struck a chord and as of 2013 has been cited in roughly 4,000 academic articles. Before 1985, though, there were scant academic articles on bullying in the US. By 2013, it has been widely agreed upon that bullying has serious and lasting impacts and that it can also be prevented with creative policy.

Over time the definition of bullying expanded. Although early research typically focused on schools as the sole site of bullying, current research treats bullying as a negative social interaction that can happen in a range of settings. For instance, Monks and Coyne write in 2011 that “We suggest that ‘bullying’ does not only occur within peer-relationships in schools, but can also occur within many different social contexts and in a variety of relationships.”¹⁰¹ The shift in academic focus, and the speed with which it occurred, is one more sign of the remarkably fast transformation in perceptions of the meaning and repercussions of bullying. This body of academic literature not only

⁹⁹ Besag, *Bullies and Victims in Schools*.

¹⁰⁰ Olweus, “Bullying at School: Knowledge Base and an Effective Intervention Program.”

¹⁰¹ Monks, *Bullying in Different Contexts*.

radically reframed societal understandings of bullying, it led to the passage of myriad anti-bullying laws.

What is most remarkable about the bullying story is just how quickly it has become recognised as a serious issue by the government and advocacy groups. This seems likely a result of increasing academic research on the subject, given the improbability of bullying becoming more prevalent or more harmful in the past decades. Most organizations devoted to bullying have started fairly recently. PACER, a leading organization combatting bullying, began its campaigns in the early 2000s; by 2006 they had started an anti-bullying week.¹⁰² Now, October is National Bullying Awareness Month, a designation sponsored by PACER, the National PTA, the American Federation for Teachers, and other organizations.¹⁰³ In the space of ten years, what was often perceived as a negative, unfortunate dynamic in schools was recast as a serious, harmful, and urgent problem requiring government action and the participation of students, teachers, parents, and bystanders to prevent it. The campaign is even more unique because it attacks a type of problem typically seen as outside the realm of governmental intervention. Bullying often is a micro-level social interaction and many would perceive it as being difficult to alleviate through policy solutions. Although it is hard to measure the success of governmental anti-bullying strategies, the ad campaigns and awareness raising strategies are certainly effective in making bullying a widely understood issue.

However, just as with crime, and the non-objective process through which a behavior becomes classified as criminal, fact that bullying and not street harassment is the subject of an aggressive governmental campaign is a reflection of particular interests'

¹⁰² Pacer's National Bullying Prevention Center, "Its History and Impact."

¹⁰³ Temkin, "A History of Bullying Prevention Month."

representation. For instance, the APA clearly defines bullying and sexual violence, but does not address street harassment or other forms of sexual intimidation, harassment and abuse. There is a clear contrast between the social issues that official organizations are willing to discuss and those they are not. Bullying can affect any person, regardless of race, sexual orientation, class, gender, or other identities. Although certain people may be more vulnerable, official narratives of bullying treat it as a problem that can and does affect anyone. Anti-bullying campaigns have a universal appeal. By contrast, there are no widespread anti-racism campaigns, just as there are no anti-sexism or anti-homophobia campaigns. Identity-based discrimination and harassment that is combatted by official sources tends to focus on institutional biases rather than interpersonal discrimination. The example of Stopbullying.gov refutes the widely held idea that the government has no role in reducing the incidence of less violent forms of street harassment, although the contrast between anti-bullying initiatives and the lack of other examples makes the difficulty of motivating policy on identity-based issues clear.

Construction of crime in public space

While bullying provides a model for one potential government approach, the examples of Stop and Frisk and attitudes to public space more generally frame the lack of intervention regarding street harassment. The unwillingness to use legal or policy remedies against street harassment is a political choice, made in contrast to the other ways the government legislates public life. In NYC, for instance, the police department pursues a highly controversial ‘Stop and Frisk’ policing strategy of detaining and interrogating civilians, especially young minority men, in public space with the goal of

decreasing crime rates. In 2012, according to official tallies police stopped people 533,042 times.¹⁰⁴ 89 percent of these encounters turned up no evidence of criminal behavior. In some US states, people go to jail for small amounts of unpaid fines; police can fine drivers who have broken indicator lights.¹⁰⁵ The choice to make certain behaviors criminal, and prosecute them, is subjective and reflective of societal values. What is notable is just how much intrusion into private lives society is willing to tolerate if there is a perception that these intrusions are necessary for overall safety and for the preservation of law and order. Stop and Frisk, for instance, is discriminatory, labor intensive and costly for taxpayers, yet many believe it to be the reason crime has decreased in NYC. The fact that minority men and women who are perceived by police to break laws are victims of repeated public interrogation is therefore perceived as a worthy sacrifice for overall public order and safety. In contrast, even though street harassment makes women unsafe in public spaces, it is not understood to be a crime. This paradox is an outcome of perverse societal beliefs: in both instances, structurally disadvantaged groups are asked to sacrifice their own safety and ability to participate freely in public life.

The meaning of aggressive police tactics like Stop and Frisk is even more significant when juxtaposed with the widespread perception that public space is a neutral forum. A common impression is that public space is relatively law-less and un-governed. Many of the women quoted in Chapter One express some iteration of this belief. Although activists tend to emphasize education and bystander awareness as a central prevention strategy because this is a feasible short term strategy, the unanswered question

¹⁰⁴ NYCLU, “Stop-and-Frisk Data – New York Civil Liberties Union.”

¹⁰⁵ Ehrenreich, Barbara, “How the poor are made to pay for their poverty.”

is whether there is a role for police and policy intervention in the domain of street harassment. For these reasons, although Stop and Frisk is a discriminatory policing practice, it is an instructive example for analyzing the way police and citizens understand the role of police in public spaces. The contradiction is that police and citizens believe in an expansive use of force in some cases and none in other cases. This dichotomy helps to pinpoint the gendered nature of policy, policing tactics, and public space. In all these arenas, the concerns and needs of women tend to not be acknowledged or acted upon, while concerns that are perceived to be non-gendered or non-racial have a different trajectory in policy.

Another complicating theme of street harassment policy is the general tendency toward legislating confined spaces. Workplace anti-discrimination and anti-harassment initiatives and bullying in school are obvious examples. In diffuse arenas, such as public space, there is less focus on how harassment and offensive behavior should be treated. Of course, ease of legislation and regulation is an insufficient answer to explain the lack of legal redress for street harassment. However, the understanding of public space as neutral goes further than the tendency to prefer regulation of private space. Instead, the public space as neutral framework reflects a long-standing approach that privileges certain people occupying public space freely while expecting others to inhabit public space with difficulty, or not at all.

The neutrality paradox is highlighted by the way society typically understands threats to public space. Don Mitchell, a public space theorist, argues that perceptions around the safety of public space often relate to collective panics—shaped, for instance, by the belief in the 1980s that Central Park had become untenably dangerous or by the

1996 explosions in Atlanta.¹⁰⁶ Mitchell contends that public panic about disorder in urban space becomes a motivation for imposing police crackdowns on the perceived causes, such as violent crime or, even, homelessness. What is missing in the ‘collective panic’ approach to regulating public space is consideration for the right to equal access to public spaces, a framework that would heighten the importance of addressing street harassment. Therefore, the central tension becomes how to mediate a desire for law and order with the right to organize and assemble in public space.¹⁰⁷ Mitchell asks: Do the homeless have a right to occupy public spaces? Do all citizens have the right to participate in public spaces? Or to access to public places? He answers “[T]he problem with the bourgeois city...[is that it is] not so much a site of participation as one of expropriation by a dominant class (and set of economic interests) that is not really interested in making the city a site for the cohabitation of differences.”¹⁰⁸ Mitchell continues “The right to the city implies the right to the uses of city spaces, the right to inhabit... a place to relax, a place from which to venture forth.”¹⁰⁹

Mitchell’s argument highlights a policy contradiction: public space is perceived as needing regulation in a negative way. Certain unruly or threatening behaviors are forbidden, and after this criteria are met public space is structured to serve the needs of those who rest at the top of other nexuses of power in society. From this perspective, it becomes clearer why the government has not and does not intervene to make public spaces equally accessible to women. Equal access to public spaces is not an issue articulated by those with political and economic power. The priorities articulated by

¹⁰⁶ Mitchell, *The Right to the City: Social Justice and the Fight for Public Space*, 13.

¹⁰⁷ Mitchell, *The Right to the City: Social Justice and the Fight for Public Space*, 14.

¹⁰⁸ Mitchell, *The Right to the City: Social Justice and the Fight for Public Space*, 18.

¹⁰⁹ Mitchell, *The Right to the City: Social Justice and the Fight for Public Space*, 19.

women in Chapter One are rarely represented in mainstream debates and narratives about gender equality. Indeed, as shown in this chapter, although there is great potential for government intervention on street harassment in ways similar to anti-bullying campaigns, street harassment instead fits within a realm of public space policy that tolerates unequal access and treatment. From an urban theory perspective, street harassment is one additional way that public space becomes a site of discrimination.

Chapter Three

The Link Between Police Behavior and Street Harassment

The street harassment and women-focused media analysed in Chapter One also focus on the response of police. A survey of first-hand accounts, news reports, a studies, criminological data, and statements from the police demonstrates that police are often complicit in the perpetration of sexual violence. The indifference to aggressive police behavior is the logical extension of official narratives that stress self-protection. For instance, on the female-oriented blog *Jezebel*, author Jenna Sauers writes about a late night NYC subway ride home when she noticed a man standing nearby in an otherwise empty subway station, masturbating in front of her.¹¹⁰ Sauers began to film him, hoping to shame the man into stopping, and notified a station agent when this strategy was unsuccessful. Although the agent called the subway transit police, for twelve minutes,

¹¹⁰ Sauers, “A Guy Jerked off to me on the subway and the NYPD didn’t do a thing.”

Sauers waited alone on the platform while the man masturbated. Eventually a train arrived and the man left on it; the transit police never came. Speaking to a 911 operator about the incident the next day, the operator told Sauers that public masturbation is not viewed as needing as fast a response as other crimes, like robbery or assault.

The article attracted a great variety of comments, many of which were similar to the following. Sarcastically, one commenter wrote “I should also be able to walk home from campus at 2:00am waving my MacBook over my head without getting stabbed...but that isn’t going to happen. Everybody has to take a certain level of responsibility over their own safety and protection.” Other women recounted their own incidents of being victim to public lewdness. “I feel your pain/frustration...I was flashed a few years ago and it took almost an hour for police to show up and when they did they as much as shrugged and chuckled...” Indeed, a review of online reactions suggests that both reactions—the opinion that women need to prevent street harassment by removing themselves from public arenas and the expectation of many women that police will not provide support in incidents of street harassment—are common.

Women’s perception that police cannot be relied on for support in the case of street harassment or sexual assault is validated by the statements and behavior of many police departments. On September 30, 2011, *The Wall Street Journal* reported that police officers were contacting women in Park Slope, a Brooklyn neighborhood, to warn against wearing shorts or skirts at night in response to a string of unsolved sexual assaults at the time. In the article, one woman reported police officers stopped her on the streets and told her “Don’t you think your shorts are a little short?” and pointed out which dresses

showed too much skin on passersby.¹¹¹ Responding to questions from reporters, the NYPD Deputy Commissioner argued in an email that officers “are simply pointing out that as part of the pattern involving one or more men that the assailant(s) have targeted women wearing skirts.” On October 1, 2011, *hollaback!* published a letter, co-signed by many other women’s advocacy organizations, decrying the police approach while noting that “In two recent incidents, two NYPD officers were accused of rape – and convicted of official misconduct for repeatedly entering the home of a woman without cause – and another officer was apprehended while committing a sexual assault.”¹¹² The NYPD’s reliance on crime prevention strategies that involve women preventing their own victimization indicates the degree to which police departments lay blame on victims of sexual violence.

The police response to street harassment outlined in these stories is commonly reported in the media. On August 18, 2009, NBC New York published the story of a woman who took a photo of a man exposing himself, only to have police dismiss her attempt to report the incident as a matter that should be handled by the city’s public information department.¹¹³ After the woman reported her story to local media, the police arrested the man in another subway station using her photo. In a blog post about being groped on a city bus, Brittney Gilbert wrote that several days after the incident she decided to report it to police, hoping that there might be footage of the harassment. Instead, the police officer to whom Gilbert tried to report the incident to interrogated the legitimacy of her complaint and warned her that filing a report would not result in an

¹¹¹ Reddy, “South Slope Sexual Assaults: A Thin Line on Skirts in Brooklyn.”

¹¹² *hollaback!* “NYPD: Train Your Cops to Blame Rapists for Rape, Not Victims!”

¹¹³ Gittens, “Subway Perv: ‘It Just Popped out!’.”

arrest. Upon leaving, the same officer told her to be careful, as if the harassment was caused by a poor choice on Gilbert's part.¹¹⁴ After Gilbert's story was publicized by local media, the police began to aggressively pursue it, Special Victims Unit officers made house calls to explain how the case would be handled, and the police chief apologized for her case's mismanagement.¹¹⁵

Although many types of street harassment are illegal, such as groping, flashing, or public masturbation, street harassment in general has merited little policy attention and has suffered from a lax enforcement of laws. To women and to perpetrators, police often react by emphasizing that women should protect themselves and by dismissing street harassment overall as a crime worthy of attention. Rochelle Kehyan, director of Hollaback! Philadelphia, argues that "Police tend to dismiss street harassment complaints as a way of life. Partially because they need sensitivity training on the issue, partially because many police officers engage in the behavior themselves, and partially because it is not an issue that is easy to police."¹¹⁶ Holly Kearl, the author of *Stop Street Harassment* and the director of the activist group of the same name, concurs. "There is so much overpolicing of men of color and sometimes police are street harassers, so sadly, police aren't always allies."¹¹⁷

The implication of this indifference, that women should expect to bear the burden of street harassment if they wish to enter the public arena, has serious economic and social consequences. Moreover, this official indifference is a political choice, reflecting the priorities of those in power. Most crucially, police apathy creates an atmosphere that

¹¹⁴ Gilbert, "The Story of My Sexual Assault on Muni in San Francisco."

¹¹⁵ Gilbert, "A Follow up to my story about sexual assault on muni."

¹¹⁶ Kehyan, personal email message.

¹¹⁷ Kearl, personal email message.

actually intensifies street harassment. As public health agencies, police departments, and other government bureaus do not treat street harassment as worthy of attention, street harassment becomes a trivial problem and, to a certain extent, socially acceptable. And as police departments continually advise women to dress more conservatively in light of street harassment, it sends a perverse message to perpetrators that women who choose not to dress conservatively are ‘asking for it’. In this construction of the causes of street harassment and sexual assault, perpetrators’ behavior is validated.

Police as perpetrators: police sexual violence and corrupt institutional culture

While policy toward street harassment is generally typified by outright neglect, this official approach dovetails with pervasive incidents of the government becoming a harasser, both metaphorically and literally. For as many accounts exist of police blaming victims, there are accounts of the police being the harassers. Uniformed police, too, harass women on streets. For other women, street harassment by police is strikingly similar to other legal methods of harassment, like Stop and Frisk. Finally, for many women these intrusions in public space are part of a theme of greater surveillance and scrutiny from the government. From this perspective, street harassment becomes one type of invasive behavior among many in which women have little agency, can expect little right to privacy, and must submit to surveillance from governmental authority.

The clearest example of this trend is the perpetration of street harassment by police themselves. While obviously not officially or, at least, publicly condoned by police departments, the phenomenon is not so rare. In a *Bust Magazine* post called “I was Street Harassed by the NYPD,” Erika W. Smith writes that after leaving a bar on a Friday night

she noticed that an NYPD car was following her. “First, they shouted out to ask if we were okay—fair enough, no harm done. But...they continued trailing us...shouting at us to come over to the police car and get in.”¹¹⁸ According to Smith, she had to call four different police numbers before she found an employee willing to take her report of the incident. On *hollaback!* Liza writes that a police officer approached her in Brooklyn. At first he just exchanged pleasantries but eventually his conversation became so suggestive that she felt the need to clarify that she was married.¹¹⁹ As she walked away, he called after her “I’m going to steal you away!” and followed her for hours as she tried to evade him. Eventually Liza thought she had been able to sneak into her apartment unnoticed; yet hours later her husband saw the officer waiting outside for her. On *hollaback!* Shanali shares an excerpt of a report she filed. “[T]he Police Officer used the sound system of this NYPD van to state: I like your booty You are who IM looking at.”¹²⁰

Given that women are less likely report street harassment by police, there is no good data on how often police themselves are perpetrators. One rare study of the subject included 911 New York City teenagers and found that “Quite unexpectedly, almost two-fifths of the young women surveyed indicated that in the past 12 months, male police officers had flirted, whistled or ‘come on to them.’”¹²¹ A study conducted by the Manhattan Borough President’s Office found that 96% of respondents who reported being sexually harassed on the subway had not filed a report with the NYPD or MTA nor did they call for help; 86% of women who reported being sexually assaulted also did not

¹¹⁸ Smith, “I was Street Harassed by the NYPD.”

¹¹⁹ *Hollaback!*, “Liza’s story: stalked by a cop.”

¹²⁰ *Hollaback!*, “Shanali’s Story: “The statement was sexual harassment and completely inappropriate”

¹²¹ Fine, ““Anything can happen with police around’: Urban Youth Evaluate Strategies of Surveillance.”

call the police or file a police report.¹²² However, perhaps quantity is not the central concern. How often must police harass women for the institution to be perceived as untrustworthy?

Further, the existence of these accounts at all raises questions about how police departments are structured. While it is difficult to know the internal police response to reported incidents of police harassment, the consistency of this type of behavior from police officers suggests there is little substantive response, in terms of punishment or through attempts to reform the corrupt institutional culture. Additionally, there are scant professions where employees could regularly abuse their power in this way with little repercussion. Indeed, the issue of police street harassment seems intimately related to the strength they are accorded as enforcers of law. From this perspective, the abuse of police power, and the violation of the trust society places in police, is all the more serious. Further, police street harassment is an extreme example of the power dynamics at play in all street harassment. Street harassment is fundamentally about an expression of gender power dynamics; this dynamic is heightened between police and non-uniformed women.

The lack of substantive official police response to street harassment and other types of sexual harassment by the police was highlighted in a 2011 scandal. In 2009, a woman alleged that two policemen helped her home after a drunken night at a Brooklyn bar. Although she was very drunk, she remembered a policeman pulling her tights down and sexually assaulting her in her home. In a case complicated by lack of DNA evidence, the officers were acquitted of rape charges. However, one officer testified “only that he

¹²² Stringer, “Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System,” 6.

snuggled with her while she wore nothing but a bra”.¹²³ Ultimately, the officers were convicted of three counts of official misconduct and fired immediately after the trial’s conclusion. However, the egregiousness of the incident and the admitted misbehavior by two policemen of “snuggling” with a drunk, naked woman substantiates the accounts about the prevalence and apparent acceptance of police mistreatment. In these cases, the police become the very source of harassment.

Women, then, are faced with tough decisions if they wish to report street harassment. If women want to report harassment by police officers, given these patterns, it seems likely such a complaint may not be taken seriously. As Brunson and Miller reported in their qualitative study of adolescents in urban areas, “Several girls described calling the police when a woman was victimized but reported they did not come.”¹²⁴ If women want to report harassment by other men, they know that the people receiving, handling, and responding to these concerns may themselves perpetrators of the same offenses themselves and, at the very least, are part of an environment where these issues are treated with derision.

Broadening the focus on street harassment and the police, there is extensive documentation that sexual harassment is common within police departments, too. One study, for instance, that investigated the rising numbers of sexual harassment claims from female officers against male officers concluded that, in Florida, the commission tasked with resolving these cases accepts very few cases for investigation and “the discipline

¹²³ Eligon, “Two New York City Police Officers Acquitted of Rape.”

¹²⁴ Brunson, “Gender, Race, and Urban Policing: The Experience of African American Youths,” 543.

imposed is often insubstantial.”¹²⁵ Indeed, police sexual harassment is pervasive enough that there is a sub-field of criminology which focuses on “police sexual violence” toward women, a phenomenon that has been documented worldwide.¹²⁶ Kraska and Kappeler’s systematic study of the limited available evidence on police sexual violence indicates that “A critical element throughout the PSV continuum is the sexist nature of the conventional police culture”¹²⁷ and, they later argue, the very structure of police departments. Kraska and Kappeler’s systematic research highlights a paradox all women negotiate when they wish to report sexual violence. Besides the regular deterrent of reporting and making public an extremely difficult experience, in what ways does the systematic sexist structure of the police change the way sexual violence reports are received, filed, handled, and investigated? Although these structures affect every single step of the process, it is hard to understand and analyze what the impact at each juncture is and, therefore, it seems likely that the harm of police indifference is underestimated. The relationship between police sexual violence and street harassment, too, is crucial to understanding the existence of street harassment. Police are often both active participants in harassing and in creating an environment fertile for harassment. This reality makes the task of designing policy to reduce the incidence of street harassment all the more of a challenge.

Furthermore, police sexual violence and police street harassment must be viewed as part of a spectrum of harassment many women face from police, some of it state-

¹²⁵ Carter Collins, "Sexual harassment and police discipline: Who's policing the police?"

¹²⁶ Kaska, "To Serve and Pursue: Exploring Police Sexual Violence Against Women." and Eschholz, "Police Sexual violence and rape myths: Civil Liability under Section 1983."

¹²⁷ Kaska, "To Serve and Pursue: Exploring Police Sexual Violence Against Women."

sanctioned. The most obvious example of this type of harassment is Stop and Frisk policing. What does it mean for a woman to endure both street harassment, from police officers and other men, as well as the threat of being frisked in public by a male officer? The impact is compounded by the fact that Stop and Frisk is a highly racialized policing tactic, used almost solely against minorities. Thus, for minority women, street harassment and Stop and Frisk combine to make public space hazardous.

The experience of being frisked in public is not rare for women. According to police records, 46,784 women were stopped in NYC in 2011; 16,000 were frisked; 59 guns were found.¹²⁸ Additionally, there is no requirement that frisks be executed by a female officer. In other words, a woman walking down a NYC city street who is deemed suspicious, for whatever reason, can have a male police legally pat her down; this officer is also trained to give special focus to her groin, neck, and waist as these are viewed to be ideal places to hide guns.¹²⁹ In a *New York Times* article on the subject, a Police Inspector is quoted defending the practice by noting “Safety has no gender. When you are talking about the safety of an officer, the first thing he or she is going to do is mitigate the threat.”¹³⁰ Of course, what threat officers are mitigating through Stop and Frisk is unclear, given that the stated goal of the program—to find concealed weapons—appears to rarely be achieved and those who are frisked often are not considered by the police to present imminent threats. However, Stop and Frisk is consistent in its insistence on subjecting women to another form of surveillance.

¹²⁸ Ruderman, “In Police Pat-Downs, Many Women See Sexual Overtones.”

¹²⁹ Ruderman, “In Police Pat-Downs, Many Women See Sexual Overtones.”

¹³⁰ Ruderman, “In Police Pat-Downs, Many Women See Sexual Overtones.”

The prevalence of Stop and Frisk might be the sole concrete example of men facing an experience somewhat comparable street harassment from police. The process of being frisked is deeply humiliating—often involving police partially disrobing the victims in public to check for weapons or drugs and searching physically in groin areas.¹³¹ In a survey of 911 teenage NYC residents, 20% had been frisked; an in-depth survey with a smaller sample size revealed that almost all youth were victim to micro-aggressions from police.¹³² Brunson and Miller’s qualitative study of NYC youth indicates that many had been victim to or knew someone who had been victim to extreme police violence.¹³³ While these experiences are not the same as street harassment, they relate in the ways that people with power humiliate and abuse in public. Further, the tableau of stop and frisk, state surveillance, and police harassment and violence contextualises the way women experience street harassment. The complicity of police in street harassment and gender-based discrimination raises serious public policy questions about how these social problems can be addressed within a flawed police system.

From a broader viewpoint, street harassment as well as police street harassment are part of the increased surveillance women experience. Often, this scrutiny of women’s private lives comes directly from the government, in the form of intrusive welfare audits, visits from child services, or Stop and Frisk. In every instance, the boundary between what individuals are expected to endure or are allowed to keep private is muddied. It is also a theme that certain members of society are expected to endure this type of

¹³¹ Gwynne, “How ‘Stop and Frisk’ is too often a sexual assault by cops on teenagers in targeted NY neighborhoods.”

¹³² Fine, “‘Anything can happen with police around’: Urban Youth Evaluate Strategies of Surveillance,” 152.

¹³³ Brunson, “Gender, Race, and Urban Policing: The Experience of African American Youths,” 545.

surveillance while others who are at the top of social hierarchies do not. Understanding these dynamics is crucial to conceptualizing the harm of street harassment and to creating policy to address it. Analysing the role of police in perpetuating and perpetrating street harassment contextualises the larger policy frameworks that define the meaning and harm of street harassment. The fact that police departments are intimately involved with sexual violence, and the fact that official narratives ignore and explain away sexual harassment, go hand in hand.

Chapter Four

Street Harassment as a Knowable Problem:

Activist Responses and Policy Choices

Although the weak policy frameworks and police tolerance of street harassment that impede addressing the issue can make the way forward appear bleak, a full understanding of the narratives will allow for the creation of effective policy. Policy solutions must address the widespread social problem of street harassment in a venue where there is no person of authority to hold accountable, as in schools or workplaces, and where harassment is frequent but often brief. Furthermore, the aggression of street harassment is so pervasive and culturally accepted that any policy will have to both change the paradigms through which street harassment is understood and the programs and laws that address it. As the case of bullying demonstrates, though, there is precedent for a rapid change in both public perceptions and governmental policy. However, the legal path of sexual harassment shows that creating a new policy framework that is

comprehensive and empathetic will be a challenge. The case studies of these policy shifts can guide the way street harassment is constructed as a crime. In fact, legal scholars argue that there are a number of precedents and strategies that can be used to provide remedy for verbal and physical street harassment. A wide variety of activist groups are lobbying for these policy changes. In addition, the New York City Council recently held a hearing on the problem of street harassment and sought to outline possible interventions. The responses to this hearing points to the barriers to creating policy on these issues.

The hearings represented an unusual opportunity for women to express the harm of street harassment in an official setting. A diverse group of people testified. Many shared their first experience of street harassment. Alison Roh, a professor and lifelong New Yorker, said “The first time I recognized sexual harassment, I was 11 years old...I often made the 14 block walk between home and our church and parish center. Men would leer at us, block our path on the sidewalk...hiss, whistle, or make kissing sounds...”¹³⁴ Grace Tobin, an eleventh grade high school student, testified “I cannot remember the last time I walked out of my house and returned home that night without being sexually harassed at some point during the day,” before sharing her experience of riding on an empty subway car when she realized a man was also on it, masturbating.¹³⁵ Another woman shared testimony of her early experience with street harassment “When I was in the 9th grade, a man took out his penis in the middle of the afternoon and began to

¹³⁴ Roh, NYC Street Harassment Hearings.

¹³⁵ Tobin, NYC Street Harassment Hearings.

masturbate to me on the subway. He was sitting across from me but I didn't notice him as I was buried in my Biology textbook...”¹³⁶

Emily May, the founder of hollaback!, framed the problem thusly “At hollaback!, we've heard stories of women leaving their jobs, or breaking their lease, because their commute involved too much street harassment...we've heard a surprising number of stories from women who moved out of New York City because they just couldn't take it anymore.”¹³⁷ Men also testified. Quentin Walcott said “Street harassment is a rite of passage for many boys who derive some benefits from it, the young girls and women who primarily bear the brunt of it are forever changed by the experience...it's rooted in sexism, patriarchy, and misogyny. Street harassment is a form of male violence against women, it's an issue that men must take responsibility for...” Walcott argued that peer groups and education for men about the social privileges of manhood are necessary to reducing street harassment.¹³⁸ The significance of this testimony and the legitimacy provided by the venue speak to slowly changing awareness of street harassment.

The media and policy responses to the hearings defined the challenges to come. Stop Street Harassment, hollaback!, and other activist organizations had long petitioned to have the hearings that occurred in both DC and NYC. While local media often relies on dramatic language and overblown rhetoric to report its stories, the particular language and clichés used are relevant to the way issues are interpreted. For instance, *CBS 2 New York* begins its article on the hearings in this way “For years women and young girls have put up with cat calls, lewd comments and much worse on the streets. Now they're

¹³⁶ S. Song, NYC Street Harassment Hearings.

¹³⁷ May, NYC Street Harassment Hearings.

¹³⁸ Walcott, NYC Street Harassment Hearings.

fighting back stronger than ever.”¹³⁹ This introduction is almost theatrical —setting up a type of ‘gender war’ that mandates women ‘fight back’ which, evidently they are — ‘stronger than ever’. *CBS 2*’s conception of street harassment implies that the problem is one that women endure and one that women plan to vigorously fight against; absent is the idea that there is a society-wide burden to improve the safety of public places. The title of the article drives home this point: “NYC Women Demand ‘Harassment-Free Zones’.” The quotation marks and the word ‘demand’ suggest a sense that the proposal is unrealistic or unreasonable. In contrast to the sensational tone at the beginning of the article, the rest of the piece quotes a variety of activists and plainly reports their perspectives, almost as if there is a push/pull between dramatizing the issue in whatever way is expedient and a desire to report on a hearing in a more straightforward way.

The New York Times, on the other hand, did not report on the hearing at all. *The Huffington Post* published an article that was less exaggerated than *CBS 2*, titled “NYC Women React to Legislation Against Street Harassment,” and featuring the testimony of activists, women who were skeptical the government would be able to reduce the incidence of harassment, and men who admitted to harassing behaviors.¹⁴⁰ Still, the quotes in the article and many of the comments showed that there is confusion over the scope of government policy, confusion over what street harassment is, and a disbelief that any ‘speech’ can be a problem. Compared to these two articles, the NYC based blog *Gothamist* provided the most positive coverage of the hearings. In an article titled “Street Harassment Finally Gets City Council’s Attention,” it is noted that a “substantial crowd comprised of all genders, ethnicities, races, sexual orientations, and ages gathered” and

¹³⁹ *CBS 2*, “NYC Women Demand ‘Harassment-Free Zones’.”

¹⁴⁰ Frazier, “NYC Women React to Legislation Against Street Harassment.”

“the hearing’s goal was to stress the importance of joining forces in order to take action specifically in New York City.”¹⁴¹ Once again, though, commenters demonstrated that street harassment is not universally understood as a harm. “Where do I begin with this fiasco? How about we blanket this idiot’s office with messages asking her to stop wasting taxpayer dollars on nonsense.” And “It’s a free speech issue. This is not something that should be legislated...Can’t stop some guys from being jerks. Catcalls and even some comments are ok. We’re all adults, and not prudes.”

DNA Info, an often salacious NYC paper, also covered the hearing with detail.¹⁴² “Street harassment of women and girls in New York City has gotten so bad that the City Council is now trying to determine whether they need to step in with legislation discouraging the frequent catcalls, lewd comments and other unwanted attentions,” the article begins. While more neutral than other reports, this introduction sets up a narrative of street harassment suddenly becoming a policy problem. Similar to sexual harassment, a failure to contextualize the larger causes of and contexts of these issues is problematic. Further, formal media reactions crystallize common understandings of the meaning and impact of street harassment and highlight the influence of authoritative interpretations of street harassment. In sympathetic articles, the specific harm of street harassment is defined and then substantiated to make the potential policy solutions seem amenable. And, of course, the comments that accompany these articles demonstrate that street harassment is not yet a widely accepted harm. Finally, all the articles struggle and fail to conceptually link ‘catcalls’ and ‘lewd comments’ to the larger issue of women’s ability to freely inhabit public spaces. For these reasons, it is not surprising that since the 2010

¹⁴¹ Bibi, “Street Harassment Finally gets City Council’s Attention.”

¹⁴² Grossman, “Women Testify About Street Harassment at City Council Hearing.”

hearings widespread action has yet to materialize. Ultimately, the existing framework which trivializes street harassment and defines it as an individual problem is incompatible with the idea that street harassment represents a harm. To truly define the harm, this framework has to be abandoned.

Still, the testimony precipitated a handful of NYC government interventions. After the hearing, called by Councilwoman Juliana Ferreras, the NYC City Council funded a project to develop an application for cell phones in collaboration with hollaback!. Users reporting street harassment to the hollaback! website from their phones receive a text or email with information and support, including a reminder to call 911 if necessary.¹⁴³ This initiative certainly is a landmark given the nearly-complete lack of support from the government in general. However, in its pragmatism of adding on to and improving existing activist structures, it elides the responsibility of the NYC government to change the structural ways street harassment is made easy to perpetrate and is perpetuated. Balancing the pragmatic, immediately feasible response to street harassment with long-term, structural changes is challenging. However, within the NYC government, attempts at structural changes to remedy the issue have been short-lived.

Prior to the 2010 street harassment hearings, in November 2009, the NYC City Council held joint hearings to determine how safe women were on public transit and what steps could be taken to improve their safety. The meeting was spurred partly by a group called New Yorkers for Safe Transit and produced strong statements from all involved. *The New York Times* quotes the chief of the Police Department's Transit Bureau as testifying that sexual harassment was the "Number one quality of life offense on the

¹⁴³ Hollaback! "Donor FAQ".

subway.”¹⁴⁴ In 2008 the transportation authority initiated a public awareness campaign, including subway announcements and posters, against sexual harassment. At the hearing, advocates called for better data-gathering to improve official knowledge of when and at what times and how women are sexually victimized. However, the meeting focused on ‘sexual harassment’ without the conceptual lens of the term ‘street harassment’. And once again, although such policies may be the most feasible to implement immediately, the short timeframe of the public awareness campaign necessarily mandated that the needed larger reform would not materialize. Further, placing the blame on individual actors (i.e. the men in the subway who might harass) is accurate, but does not address the ecosystem of street harassment in which the police actively participate.

Since the hearings, NYC Councilwoman Julissa Ferreras has continued to support activist groups. On May 12, 2012, hollaback! and Ferreras conducted what they termed a safety audit. For one day, a team of volunteers combed a Queens neighborhood asking residents about women’s safety concerns. Ferreras wrote that “The audit gathered important information...including the ratio of men to women, how public space is being utilized and details on how well roads, parks and public transit stops are lit at nighttime. In addition, audit participants answered questions on how safe they feel when occupying public spaces.”¹⁴⁵ The audit raises questions about the understanding of and information on street harassment. Ferreras’ work responds closely to the deficits in understanding demonstrated by the news articles above. The audit refused to look at street harassment in isolation, instead seeking to understand it through the lens of women’s safety in public; this paradigm is very different than typical discussions of street harassment. However, the

¹⁴⁴ Lee, “Sex Offenses on the Subways are Widespread, City Officials are Told.”

¹⁴⁵ Ferreras, “1st Women’s Community Safety Audit in New York With Hollaback.”

strategy raises questions of what is needed to change street harassment policy. Is there a dearth of data about the effects of harassment? Should there be policy to address micro-level areas of concern or should there be city-, state-, or nation-wide policy?

These solutions also speak to the way sexual harassment has historically been handled as a policy problem. Typically sexual harassment is defined narrowly as a place or relationship-specific event, for instance, domestic violence (the home, the partner), workplace harassment (the office, the boss/coworker), date rape and stranger rape. These types of sexual harassment are widely recognized, and the ones that are place-specific (domestic violence and workplace harassment) have a vast array of laws and programs to manage them. Comparatively, sexual harassment that does not fit within private spaces is given less attention, and the types of harassment that have broader definitions, like street harassment, even less so. Of course, these facts do not mean that street harassment is any less of a harm. The idea, for instance, that sexual harassment within a workplace is harmful while the same behavior in the streets has no legal remedy is illogical. Such a view ignores both the diversity of reactions people have to different types of burdens and is myopic in its inability to understand the potential for small, daily, threatening actions to compound over time in consequence. With these considerations in mind, city-level anti-street harassment work presents a contradictory case. The constraints of designing city-level policy when federal policy promotes contradictory solutions is a major barrier; so too is the fact that city policy tends to either mischaracterize the problem or refrain from addressing the larger, broader causes of street harassment.

Growing NGO Activism

While City Council member Julissa Ferreras is pioneering anti-street harassment initiatives from a governmental standpoint, there are a number of active anti-street harassment organizations. New Yorkers for Safe Transit, for instance, is a coalition of women's groups that advocates for policy to improve women's safety on public transit, largely through a reduction in the incidence of sexual harassment and assault. The group formed after the Metropolitan Transportation Authority and Manhattan Borough President's Office were perceived as not responding adequately to a commissioned study "Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System."¹⁴⁶ "Hidden in Plain Sight" studied street harassment without naming it as such; curiously, though the survey practitioners came from the Borough President's Office, they were not able to access and analyze MTA and NYPD data on sexual harassment as an accompaniment to their own data.¹⁴⁷ Further, the survey was conducted online and the respondents disproportionately came from the borough of Manhattan. Regardless of the methodological shortcomings, the study produced informative data. 96% of respondents who had been sexually harassed on the subway had not filed a report with the NYPD or MTA nor did they call for help; 86% of women who reported being sexually assaulted also did not call the police or file a police report.¹⁴⁸ 69% of respondents reported that they

¹⁴⁶ New Yorkers for Safe Transit, "About".

¹⁴⁷ Stringer, "Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System."

¹⁴⁸ Stringer, "Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System," 6.

had felt unsafe and at risk of sexual assault at least once; 10% reported an experience of sexual assault in the subways while 63% reported sexual harassment.¹⁴⁹

From this data, the study recommended increased NYPD personnel on trains, improved ‘safety amenities’, NYPD tracking of assault as stand-alone crimes and other analyses of sexual assault data, and a public awareness campaign to reduce bystander indifference toward harassment and assault.¹⁵⁰ Although these behaviors comprise street harassment, safety on public transit is another example of sexual harassment being understood through the lens of a place-specific event (home, work, public transit). While the survey provided an important baseline and gave legitimacy to activists’ complaints, the fact that Safe Transit formed just afterwards demonstrates the lack of governmental support that remains. And finally, the survey did not illuminate one of the most pertinent questions: Why do women not call the MTA or NYPD when they are harassed or assaulted? The institutional barriers to ending street harassment are significant and a piecemeal program to address these issues will not achieve its goals.

With this history in mind, New Yorkers for Safe Transit specifically names the problem as street harassment, a linguistic choice the Manhattan Borough President’s Office shied away from. On their website the group writes “Street harassment is not a normal interaction; it is an attempt to dominate another person, and it should not be condoned by bystanders or society.”¹⁵¹ The group argues that “any response that keeps you safe is the right response. If you feel your safety is not in jeopardy by responding,

¹⁴⁹ Stringer, “Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System,” 5.

¹⁵⁰ Stringer, “Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System,” 7, 12, 13.

¹⁵¹ New Yorkers for Safe Transit, “Safety Tips.”

you can... Name the behavior, identify the perpetrator, use simple phrases, intervene, report it.”¹⁵² The New Yorkers for Safe Transit both names the problem and takes a clearer position on what is happening and why compared to the NYC governmental findings. However, since the survey the issue has received less attention overall: Safe Transit has been less active recently, *The New York Times* has not covered the issue of safe transit recently, MTA public announcements on the issue no longer exist, and the Manhattan Borough President’s office has not following up on the 2007 survey. The cyclical nature of public concern towards these issues represents a central challenge to substantive legislative reform. The cyclical nature of public attention to street harassment on public transit mirrors the larger trend in street harassment literature. In the early 1990s there was a spate of published research on the issue; from the mid-2000s to now activist concern has grown significantly.

Around the same period that saw renewed focus on public transit safety, an organization called RightRides formed. On Fridays and Saturdays between midnight and three am, any woman or LGBT person living within 45 New York neighborhoods can call RightRides to be driven home for no fee.¹⁵³ The organization’s goal is to allow women and LGBT people to get home safely and to reduce gender-based harassment. In some ways, it inverts the question asked by the 2007 public transit survey of how to make subways safe for women by providing a strategy for women, if necessary, to no longer enter public spaces. The organization takes this position to its extreme by counseling users to stay inside until the ride arrives, and notes that the drivers will wait until the rider is inside her home before leaving. As with many NGOs, RightRides works within the

¹⁵³ RightRides, “RightRides.”

constructs of negative social structures and tries to subvert them from within; its existence highlights the way policy problems fester when governments do not take action.

Stop Street Harassment, formed by Holly Kearl after she wrote her book of the same name, focuses on awareness raising and activism. She writes “We still very much are at the educational/awareness-raising stage with many governmental groups but I think that once people understand the issue, government groups are more likely to take the issue seriously and do something, especially when there are women on the staff.”¹⁵⁴ Kearl notes that since she began studying the issue in 2006, more and more people have become aware of the term itself and the concept of the harm is becoming more widespread. Kearl also has found that local governments are often receptive and supportive of initiatives to reduce street harassment.

Hollaback! is perhaps the most widely known organization working to fight street harassment. It has chapters worldwide, each with its own *hollaback!* blog where users can post about incidents of street harassment. Hollaback! produces research on street harassment and advocates for policy changes at legislative levels, too. Rochelle Keyhan, the Director of hollaback! Philadelphia, outlines hollaback!’s two-pronged strategy of encouraging awareness of street harassment as a problem through local organizations while the main organization focuses on policy change.¹⁵⁵ Hollaback! advocates better reporting procedures, data collection, and emergency responder training, public education, harassment-free zones, community safety audits, and better resources for

¹⁵⁴ Kearl, personal email message.

¹⁵⁵ Keyhan, personal email message.

teachers, police, and other employees.¹⁵⁶ While there are a variety of other organizations addressing street harassment, these are some of the largest and most active. Overall, these organizations tend to be concerned with pragmatic strategies to make streets safer for women—advocating for public service announcements, for instance, instead of systemic legal change. Besides advancing the point that street harassment is a real harm in women’s lives, these organizations do not focus as much on changing the ways street harassment is framed within the public discourse.

Street harassment has also inspired a range of artistic protest. One teenager, who calls himself “The Astronomical Kid”, wrote a song “Stop Looking at My Mom.” He raps “I don’t understand why these dudes looking/like they’ve never seen a beautiful black woman...so when you see her around, don’t ask her on a date/just let her breathe, so she can enjoy her day.”¹⁵⁷ The Astronomical Kid also testified at the NYC Street Harassment hearings. Tatyana Fazlalizadeh drew several posters of women etched in pencil, set above slogans such as “Women do not owe you their time or conversation” or “My name is not baby, shorty, sexy, sweetie, honey, pretty, boo, sweetheart, ma” and “stop telling women to smile.”¹⁵⁸ Fazlalizadeh papers the posters around NYC and Philadelphia as an ongoing personal protest. These artistic and activist responses speak to the paradox of street harassment. While it is by and large ignored as a problem by the government and larger media sources, it is central to many individuals’ experiences in public. It is this dissonance, partly, that explains the routine focus on street harassment in blogs and online more generally. In spaces and venues where women have a voice, street

¹⁵⁶ Hollaback!, “Policy Recommendations.”

¹⁵⁷ The Astronomical Kid, “Stop Looking at My mom!”

¹⁵⁸ Fazlalizadeh, Tatyana, <http://fazstreetart.tumblr.com/>

harassment is an issue women discuss frequently as a way to deal with the frustration of unrelenting harassment or to organize against harassment. The frequency and intensity of coverage in marginalized spaces functions as a response to wider exclusion.

Legal Conceptualizations

Feminist legal scholars have put forward a variety of legal arguments that refute the perception that street harassment is an unpleasant reality outside the government's jurisdiction. As argued in Chapter Two, the very idea that certain harms are outside government intervention is culturally produced and reflects a belief system that trivializes women's experiences and inequality in public spaces. If the harm of street harassment is adequately considered, many legal scholars argue, it becomes clear that legal redress is necessary and justified. Furthermore, as Heben outlines, "From a societal viewpoint, the creation of a law as a response to a social problem alters the public consciousness and tells people what is expected of them."¹⁵⁹ These scholars argue that there are a variety of methods through which street harassment can be legislated, aside from the current prohibitions on lewdness, public masturbation, or assault.

Catharine MacKinnon summarizes the central challenge of attempts to provide legal redress for identity-based discrimination: "[T]he constitutional doctrine of free speech has developed without taking equality seriously—either the problem of social inequality or the mandate of substantive legal equality."¹⁶⁰ Given this broader challenge, Cynthia Grant Bowman argues that verbal street harassment could be prosecuted as an

¹⁵⁹ Heben, "Radical Reshaping of the Law: Interpreting and Remediating Street Harassment," 206.

¹⁶⁰ MacKinnon, Catharine, *Only Words*, 71.

exception to the First Amendment when it is defamatory (she uses the example of a harasser calling a woman a whore) or when it is considered “fighting words.” Bowman extends her logic to compare sexual harassment and street harassment: just as sexual harassment is limited in workplaces because the victims are considered ‘captive audiences,’ so too could women on the streets be considered captive. In the case of workplace harassment, institutional hierarchy and economic coercion mean that the victim of harassment is not free to complain unless she is willing to risk losing her job; as Bowman points out, these harms have remarkable similarities to street harassment.¹⁶¹ Women are in a vulnerable position in public spaces, accorded little legal protection, and are regularly harassed; the only way women can extricate themselves from this reality is to not exist in public spaces. Indeed, if women do choose to exit the public space to avoid harassment, they might reasonably expect to be prevented from going to and from work, too.

As Bowman points out, the idea that workplace harassment is a legally actionable harm women should not endure while street harassment is a harm without recourse seems logically inconsistent. Bowman also argues that the First Amendment protects speech that furthers public discourses, which street harassment is rarely understood to do.¹⁶² She writes “the regulation of street harassment should pass muster, in my opinion, because it is essential to compelling state interests unrelated to the suppression of free expression: the security, liberty, and equality of women.”¹⁶³ Indeed, verbal workplace sexual harassment is regulated; does the location substantially change the nature of the injury?

¹⁶¹ Bowman, “Street Harassment and the Informal Ghettoization of Women,” 544.

¹⁶² Bowman, “Street Harassment and the Informal Ghettoization of Women,” 545.

¹⁶³ Bowman, “Street Harassment and the Informal Ghettoization of Women,” 546.

Although Bowman makes a well-reasoned argument for the prosecutability of verbal street harassment, the fact that her proposal rests on a contested area of American law means that other scholars contend that regulating street harassment will require a different approach. Deborah Thompson critiques Bowman's proposal as too far-reaching to be feasibly implemented in the short term; instead she favors the creation of 'hassle-free zones' like transportation systems, outdoor workplaces, and public parks which could "withstand First Amendment scrutiny."¹⁶⁴ Thompson argues "targeted remedies can accomplish the primary purpose of a legal campaign against street harassment—sparking public discussion and raising consciousness about the harms women endure every day 'in the street'."¹⁶⁵ Thompson argues that in limited arenas—such as outdoor workplaces—"workplace speech is already heavily restricted" therefore legally "the societal interest of promoting the privacy, safety, mobility, and equality of women should outweigh the desire of employees to engage in recreational sexual harassment on the job."¹⁶⁶

To address regulation of public transit, Thompson notes that women pay for equal access to buses, subways, and trains but are prevented equal use because of sexual harassment and assault.¹⁶⁷ Because public transport is not a public forum and women are a captive audience while using it, Thompson argues that regulation of street harassment

¹⁶⁴ Thompson, "The Woman in the Street: Reclaiming the Public Space from Sexual Harassment," 331.

¹⁶⁵ Thompson, "The Woman in the Street: Reclaiming the Public Space from Sexual Harassment," 332

¹⁶⁶ Thompson, "The Woman in the Street: Reclaiming the Public Space from Sexual Harassment," 338.

¹⁶⁷ Thompson, "The Woman in the Street: Reclaiming the Public Space from Sexual Harassment," 339.

would withstand a test of First Amendment protections.¹⁶⁸ Similarly, Thompson writes that public parks could be harassment-free zones because only through this type of regulation will women be allowed equal access.¹⁶⁹ While Thompson's proposals are limited compared to Bowman's, the value of making verbal street harassment illegal and stigmatizing its use in significant swathes of any major city would likely cause the incidence of street harassment to decrease in every zone.

Tiffanie Heben examines legal options to regulate street harassment and concludes that "A criminal legal remedy is necessary for the most severe forms of street harassment, while a tort remedy should be available for women who are subject to less severe forms."¹⁷⁰ Heben argues that the law must pay special attention to the cumulative nature of street harassment when trying to delineate and understand the harm—in other words, how does the harm change if you consider a single act of street harassment or the daily acts of street harassment that forms a backdrop to many women's lives?¹⁷¹ From this perspective, Heben posits that criminal penalties for street harassment will shift legal consciousness about the true harm of street harassment and the passage of a tort remedy would allow "only women who feel they are harmed" to sue.¹⁷² Heben argues that the best tort remedy will arise from a re-application of the 'intrusion upon seclusion' precedent to define street harassment as an intrusion into women's right to privacy.

¹⁶⁸ Thompson, "The Woman in the Street: Reclaiming the Public Space from Sexual Harassment," 339.

¹⁶⁹ Thompson, "The Woman in the Street: Reclaiming the Public Space from Sexual Harassment," 345.

¹⁷⁰ Heben, "Radical Reshaping of the Law: Interpreting and Remediating Street Harassment," 184.

¹⁷¹ Heben, "Radical Reshaping of the Law: Interpreting and Remediating Street Harassment," 205.

¹⁷² Heben, "Radical Reshaping of the Law: Interpreting and Remediating Street Harassment," 208.

Although these authors all offer different legal strategies, they agree that there are substantial precedents for varying levels of regulation of street harassment given that women are captive audiences, are unable to access public space equally, and have their privacy violated by street harassment. Further, there is immense value in passing any legal prohibitions on street harassment. There is currently extremely little remedy for street harassment, which validates the behavior of perpetrators. Although it might be difficult to regulate street harassment everywhere, regulating verbal street harassment somewhere is the first step to clearly demonstrating that sexual harassment and assault in public places is a harm. Further, if there are many ‘harassment-free zones’ created at workplaces, public parks, and on public transit, it is hard to imagine that street harassment would continue at a pre-regulation level of prevalence elsewhere. This type of policy would also lead to the stigmatization of street harassment. Legally, the most groundbreaking step would be to change the paradigm through which street harassment and the public space are understood. The lack of regulation ignores the trauma and spatial restrictions of street harassment; in this way, the law has allowed and promoted discriminatory behavior.

What is also shared by all these proposals is evidence of feminists’ long-standing thesis that naming a harm makes it recognizable and actionable. In a legal context, naming the harm of street harassment in criminal and tort law means that a new framework for understanding the injury of street harassment will also be defined. The harm of street harassment will be interpreted through existing legal lenses, such as the right to privacy or the right to equal access, to make it cognizable and comparable to other legal beliefs in the US. Providing a legal conceptualization of street harassment’s

harm is one further step to naming and reshaping the problem's societal framing. The significance of how street harassment will be legally defined also means that the stakes for an apt legal definition are high. The positive and negative outcomes from the criminal remedies provided for sexual harassment are recent evidence of the challenge to comprehensively frame the structural contexts of these issue. A failure to define street harassment within the context of greater gender inequity will lead to the misinterpretation and marginalization of the new legal consciousness afforded street harassment.

Laura Beth Nielsen's research provides additional insight into the public perceptions new legal approaches to street harassment will have to address. The belief that law has no place in regulating street harassment is extensive. Laura Beth Nielsen surveyed a small sample of attitudes toward legal regulation of street harassment. Only 39% of women and 42% of men favored legal limits on what she framed as offensive public speech even though over 70% of both genders agreed that street harassment was a social problem.¹⁷³ Many respondents who did not favor legal limits argued that such restrictions would be a 'slippery slope' of increasingly invasive restrictions on free speech.¹⁷⁴ Other respondents felt that, despite the harm they perceived from street harassment, legal regulation would make women out to be victims, further hurting gender

¹⁷³ Nielsen, "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment."

¹⁷⁴ Nielsen, "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment," 1074.

equality.¹⁷⁵ Finally, a third group of people felt that it would be impractical to regulate and provide legal remedy for street harassment, given its sheer prevalence.¹⁷⁶

These responses to the suggestion that there be legal remedy for street harassment demonstrate the dissonance between perceptions of the harm of street harassment and perceptions of what the law should and should not legislate. Still, each of these positions can be addressed through well-crafted policy and law. For instance, regulating street harassment, as shown above, is not necessarily a new interpretation of the meaning of free speech, giving the slippery slope argument less merit. Similarly, the ability to enforce a law thoroughly is not a criterion for myriad laws already on the books. That the discourse revolves around these concerns demonstrates the tenacity of patriarchal interests in legal consciousness. There is a perception that the law does not exist to reduce gender inequality and discrimination and that its precepts should apply equally to everyone with no one should receiving perceived special treatment. This perception needs to be tackled through legal reforms.

¹⁷⁵ Nielsen, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment,” 1078.

¹⁷⁶ Nielsen, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment,” 1082.

Conclusion

A Framework for Policy Action

Despite the perception that street harassment is a problem beyond the scope of regulation, there is a wide variety of structural changes that would reduce the acceptance and incidence of street harassment. Whatever the route the issue of street harassment takes to policy action, the issues of sexual harassment and bullying both demonstrate that there are viable strategies for re-defining societal notions of what comprises a harm. These re-definitions both led to significant policy changes. In both cases, activist groups, academics, and legal strategies combined to shift understandings of the meaning of these behaviors. Below I will outline strategies that would comprehensively address the frameworks that perpetuate street harassment. I will also outline policy reform that would lead to new narratives and programs.

The most important symbolic and substantive policy reform needed is the provision of comprehensive legal redress for street harassment. The current prohibition

on some behaviors associated with street harassment is insufficient to make public space equally accessible for women. Although the legal routes to remedying street harassment have received some academic attention, activist groups have not relied heavily on legal strategies to change the incidence of street harassment. Using the strategies of the sexual harassment movement, street harassment activism could use court cases to attempt a re-definition of the legal harm of street harassment. Whichever particular legal strategy is adopted, attempts to reform policy around street harassment need to take advantage of the legal system's power. Even smaller legal reforms have great potential to signal that street harassment is unacceptable, stigmatize the behavior, and deter harassers.

Police behavior represents another significant barrier to making public spaces safe for women. The importance of having a police force sympathetic and responsive to the challenges women, LGBTQ people, and people of color in public spaces encounter cannot be understated. As the studies cited in Chapter Three demonstrate, police departments are often sites of workplace sexual violence and are complicit in everyday street harassment. Outside of sexual violence, Stop and Frisk policing reflects the high tolerance for police abuse, racial profiling, and discrimination which is strikingly similar to the way police abuse their power around women. These strategies reflect the depth of disarray and the high tolerance of violent policing tactics within police departments. Radical reform of police departments in order to undo corrupt institutional cultures and to establish effective oversight is necessary. Only through this type of reform will it be possible to enforce street harassment policy thoroughly. Furthermore, police are entrusted with a great deal of power, and weapons, in the name of public safety. The case of street

harassment questions what police departments are using this power for and what role the police should have in protecting public safety.

Legal and police reforms need to be coupled a new federal framing of sexual harassment. Federal institutions like the CDC and DoJ are central in creating frameworks of sexual violence. Currently, official advice is focused on quintessential victim-blaming paradigms. Women are repeatedly cautioned to live more limited lives and to identify the ways they elicit harassment or abuse. Not only is such a framework ethically unsound, it is also of little use in preventing street harassment. In the long term, it seems probable that the governmental message of “Be scared” takes a toll on women’s self-confidence and perceptions of agency. More to the point, though, is that actual perpetrators currently have no role in governmental narratives about harassment. Indeed, reading these documents makes it seem as if women committed sexual violence and harassment against themselves. While there is little data on how many men harass on streets and why, both from an ethical and a pragmatic standpoint addressing the perpetrators of sexual harassment with whatever tools are available is the only path to systematic reform.

Tackling these three areas would address the sources of narratives that trivialize and minimize the ramifications of street harassment. Changing these frameworks will change public perceptions, reduce the widespread tolerance of street harassment, and, of course, alter the policy vacuum which facilitates street harassment. Furthermore, a comprehensive approach will allow the construction of street harassment policy to improve upon the failures of the sexual harassment movement. Without a contextualized framework that presents street harassment as a symptom of larger inequality and as a mechanism through which inequality is perpetuated, street harassment will continue to be

marginalized and trivialized. These policy shifts are advisable not only because they will alleviate a major harm in women's lives, but because they would help re-construct narratives of sexual violence to frameworks that are coherent and internally consistent.

The success of all of these proposals partly rests on changing a range of public understandings of street harassment. Street harassment needs to be a well-publicized policy problem so that women feel comfortable reporting and know that they will receive professional treatment from police. Similar to the bullying awareness campaigns, bystanders need to become aware of the harm, the potential legal remedies, and the role everyone has in reducing the incidence of street harassment. Finally, harassers or those who are likely to harass need to fully understand what behavior constitutes sexual violence and believe that the likelihood of punishment or bystander intervention is high enough to deter street harassment. All the structural reforms comprise the major policies needed to reduce the prevalence of street harassment. But, these structural changes have to resonate within cities through the impact of their implementation and through aggressive public awareness campaigns.

As demonstrated in this thesis, the process of ending street harassment can only begin when the most powerful causes of its proliferation are aggressively reformed. Too often there is an unwillingness to negotiate with the societal beliefs and frameworks that produce unequal treatment. Understanding the mechanisms through which policy frameworks facilitate street harassment, however, makes it clearer that these structures represent the central challenge to reform. As shown in Chapter One, federal government documents not only frame discussions around sexual harassment in a way that minimizes the role of perpetrators and lays blame upon victim but creates a tautological framing that

negates the need for any substantial policy reform. As Catharine MacKinnon says in her book *Only Words* “The law of sexual harassment has found no way to challenge women’s lack of sexual credibility, the presumption that women fantasize or ask for sexual abuse, a presumption considered proved when we recount the abuse itself.”¹⁷⁷ The flaws of the sexual harassment narratives are evident in frameworks used to interpret street harassment, too. The ramifications of this paradigm go further than misguided government policy, however. The way women interpret, lay blame, and take responsibility for their own experiences with street harassment is an outcome of this problematic framing.

In a broader sense, new policy frameworks for street harassment will help change dialogues about gender and sexual violence. Implicit in the vacuum of advice to perpetrators is the idea that men who harass or abuse are incapable of changing their violent behavior. While this may be the case for some, there is value in creating messages that define harassment and, in a broader sense, explain how to treat identity and gender with sensitivity. Harassers can be encouraged to stop harassing and young men can be discouraged from ever beginning to do so. This dialogue is needed in order to change the societal norms and values that permit sexual violence more generally. Changing recommendations to address the actual causes of gendered street harassment—the perpetrators, not the victims—would add intellectual clarity. It is easy to see why sexual harassment, abuse, and rape are contested issues given that the common frameworks to understand these events are simply confusing. It is contradictory to simultaneously claim certain behaviors are criminal while directing federal guidelines toward the victims of

¹⁷⁷ MacKinnon, Catherine, *Only Words*, 68.

these crimes. It is even more inconsistent to pay lip service to the harms of sexual violence while allowing sexual violence to be endemic within police departments. Narratives that explain and define sexual violence would be clearer and more coherent if anti-victimization messages were directed at the perpetrators and on the larger cultural narratives that produce street harassment.

On a more philosophical level, changing official discourses about street harassment is part of a larger shift in order to make policy frameworks progressive and forward thinking. There is a lack of cultural information about how to live in a non-racist, non-sexist, non-homophobic, and non-discriminatory society. While achieving an equal society will not occur through small governmental changes, official documents and advice should articulate discourses that move toward that goal instead of reinforcing our unequal society. The societal messages that men receive about how to interact with women create street harassment. The idea that women exist for men's sexual pleasure is celebrated in movies, TV shows, advertisements, abstinence-only sex education, and on and on. Gender is a tool through which women are subjected to greater control and scrutiny and through which men gain power. Street harassment and gender violence is a manifestation of gender inequality and hierarchical gender relations. With these realities in mind, there is a constant need to talk about gender discrimination and to actively create policy aimed at reducing it. Finally, policy frameworks that accurately reflect the content and causes of street harassment will serve not only to deter men but empower women to speak up and against harassing behaviors in public. Given the commonplace marginalization of women's concerns, this legitimization in and of itself would be significant.

The current policy frameworks are supported by the often unspoken belief that the public space represents a neutral forum, outside the bounds of governmental policy. As anyone who makes laws can attest, policy can and does govern in subtle and intrusive ways. Furthermore, the potential of policy is much richer than simply making certain behaviors illegal—the government has a wide array of tools at its disposal to combat street harassment. The fact that none of these avenues is used, and that the government instead has created a framework of street harassment that amounts to tacit acceptance, is neither neutral nor logical. These policies represent a non-coincidental manifestation of powerful interests, of men in public spaces enforcing spatial boundaries of control and of men in governmental power representing and prioritizing gendered interests. The richness and utility of policy needs to be re-claimed by those who do not sit at the nexus of power structures in society.

Street harassment represents a fundamental challenge to achieving gender equality. A more equitable society will require changing the mechanics of the way we allow and expect gender to govern our lives. In this sense, the government needs to have an expansive role in ensuring that the basic structure of women's lives can be the same as men's. Street harassment represents a central barrier to the possibility of an equal life, free from gender-based violence and victimization. The case of street harassment raises larger, unanswerable questions, too: How do women change their lives in small and large ways because they are verbally and physically harassed in public spaces? How does constant harassment change women's beliefs about what they can or should achieve in life? Street harassment functions as a metaphor for women's larger marginalization in society, just as the governmental trivialization of these experiences can be understood as

a metaphor for the larger trivialization of women's inequality. In 1895, women's rights activist Elizabeth Cady Stanton argued that "The question is no longer the sphere of a whole sex but of each individual...Like man, woman's sphere is in the whole universe of matter and mind, to do whatever she can."¹⁷⁸ Over one hundred years later, women's struggle to enter the domains controlled by men persists, beginning with the fight to have equality on every street corner.

¹⁷⁸ Cady Stanton, "Speech to the Reunion of the Pioneers and Friends of Woman's Progress."

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This thesis represents my own work in accordance with University Regulations.