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A Burkean Analysis of the Rhetoric of Sexual Harassment: An Examination of the Polarization of Attitudes Related to Consensual Relationships on Campus

Loretta Lovelace Wiman

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A Burkean Analysis of the Rhetoric of Sexual Harassment:

An Examination of the Polarization of Attitudes

Related to Consensual Relationships on Campus

(TITLE)

BY

Loretta Lovelace Wiman

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
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A Burkean Analysis of the Rhetoric of Sexual Harassment:
An Examination of the Polarization of Attitudes
Related to Consensual Relationships on Campus
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Running head: BURKEAN ANALYSIS OF THE RHETORIC
OF SEXUAL HARASSMENT

Abstract

A history of sexual harassment traces the recognition and development of the issue as a social problem in the workplace and on college campuses. A review of research literature reveals both percentages of students involved and the effects on those students of academic or teacher/student sexual harassment. A brief overview of institutional policy statements shows that some colleges/universities have responded to the issue with a ban on all consensual amorous relationships between teachers and students; some ban such relationships only when a supervisory relationship also exists, and some do neither. Some policies include sanctions on those who violate bans; others do not. A rhetorical analysis of a statement made by a teacher who opposes all bans offers evidence of power abuse and serves as a paradigm of a rationalization of those teachers who do take advantage of their positions of power relative to their students. This paper does not advocate bans on teacher-student relationships; it does advocate sanctions on teachers who establish sexual relationships with students through the abuse of their power.

Dedication

To my husband and my mother, who were so patient.

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A Burkean Analysis of the Rhetoric of Sexual Harassment:
An Examination of the Polarization of Attitudes
Related to Consensual Relationships on Campus

This paper examines the issue of sexual harassment on college campuses. The issue is an important one to study primarily because of its continuing status as a controversial social problem. Sexual harassment gained recognition as a social issue first in the workplace, but recognition of academic sexual harassment soon followed. Institutional efforts to deal with sexual harassment have resulted in college and university policy statements created to help faculties, staff members and students understand and react to this issue. Ultimately, this paper focuses on the current debate over institutional policy statements which have included bans on consensual sexual relationships between teachers and students. It does so by analyzing a recent rhetorical situation that exemplifies crucial points of contention within this debate. This analysis provides evidence of abuse of power which supports this paper's contention that those teachers who initiate intimate relationships with students through an abuse of their power should be sanctioned.

To gain a better understanding of this issue, this study begins with a general history of behavior which results when one person restricts his/her perception of

another to that of a sexual role, continues to pursue either an unreciprocated or a misperceived sexual interest and uses one's power to force acquiescence. We began calling this behavior "sexual harassment" in the 1970s.

Literature Review

Sexual harassment, like other controversial social issues, has a history filled with discussion and dissension. At each step in the efforts to gain recognition of sexual harassment as a social issue, much rhetoric has been used to define, describe and deny it. Those who deny the existence of "sexual harassment" as a social problem often do not deny the existence of the behavior which is labeled with this term. After all, the behavior has existed for a long time. According to Haylor (1979), women complained about such behavior during the Colonial Period, and women labor organizers attempted to raise the issue as a complaint of women workers during the 1800s. Anita Hill, the University of Oklahoma law professor who accused Supreme Court nominee Clarence Thomas of sexual harassment, has received letters in which women relate details of sexually harassing behaviors which occurred 50 years ago (Hill, 1992). Those who refuse to recognize the behavior as a social problem deny its perception as harassment or even as negative. This attitude is expressed in such comments as "That's just the way men are," "It's just normal," "Just ignore it," and

"Women just have to expect that and learn to put up with it."

Defining the Term "Sexual Harassment"

Early efforts at gaining recognition for the issue included the difficulty involved in trying to deal with a problem which has not been named. This difficulty is cited frequently in sexual harassment literature (Benson & Thomson, 1982; Kaufman & Wylie, 1983; Lott, Reilly & Howard, 1982; Padgitt & Padgitt, 1986; Reilly, Carpenter, Dull & Bartlett, 1982; Sandler & Associates, 1981; Schneider, 1987; Somers, 1982). In 1979 MacKinnon wrote, "Until 1976, lacking a term to express it, sexual harassment was literally unspeakable . . ." (p. 27), but also warned, "The unnamed should not be taken for the nonexistent" (p. 29).

MacKinnon's words were well-founded; the issue was nearly "nonexistent," judging from public awareness at the time. The behavior was dismissed by workplaces and courts as private and personal; it was none of the courts' business and certainly not the responsibility of the organization in which the behavior occurred. A "boys will be boys" attitude prevailed (Freidman, Boumil & Taylor, 1982). This attitude was illustrated by those who responded to behavior that is now called "sexual harassment" with such remarks as, "Guys always do that," "He didn't mean anything by it," "He's just joking," "He did not mean to hurt anyone," and "It's just

fun."

Another prevalent attitude assumed that the person who received the harassing attention was at fault. This is the "blame the victim" attitude (Adams, Kottke & Padgitt, 1983; Kaufman & Wylie, 1983; Malovich & Stake, 1990; Tuana, 1985; Wilson & Kraus, 1983). This attitude caused people to say, "She can't take a joke," "She should be flattered," "She must have asked for it," "That's what she gets for trying to do a man's job," and "Well, look at the way she is dressed."

Several studies (Benson & Thomson, 1982; Brandenburg, 1982; Lott, Reilly & Howard, 1982; Malovich & Stake, 1990; Sandler & Associates, 1981) cite the scarcity of information on the behavior that existed prior to the mid-1970s, even though, officially, the behavior had become illegal with passage of Title VII of the Civil Rights Act of 1964. Its inclusion in this discrimination ban apparently was based on no real concern for the issue but as strategy by some members of the United States House of Representatives who opposed the entire act. Former United States Assistant Attorney General Norbert A. Shlei said "sex" was added to the proposed legislation by "Southern opponents" to serve "as a ploy designed to gain defeat" of the legislation (Prevention, 1985, p. 5). The ploy failed, and discrimination based on sex became an illegal act.

It was not until the mid-1970s that efforts to name the

behavior and thus officially begin to see it as a social problem were successful. Fitzgerald (1990) credits Working Women United Institute with coining the phrase "sexual harassment" in 1975, during an early unemployment compensation/sexual advances case. The phrase was also used by the Alliance Against Sexual Coercion and appeared in The Harassed Worker by D. M. Brodsky in 1976 (Fitzgerald, 1990).

Defining Sexual Harassing Behavior

Once the behavior had been named, efforts to gain recognition of sexual harassment as a social problem were directed toward defining the term and examining its scope and effects. These steps were taken both in the workplace and on college campuses. The efforts to define "sexual harassment" were important. Although the behavior had been named, until the term was defined, its acceptance as a social issue would not occur. In 1980, more than 15 years after passage of Title VII, the Equal Employment Commission issued its definition of sexual harassment as:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used

as the basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment" (p. 203).

This definition was affirmed by the Supreme Court in 1986 in its ruling on the Meritor Savings Bank v. Vinson case (Clark, 1991).

The EEOC definition contains few specifics, for good reason, according to Judge Goldberg of the Fifth Circuit of Appeals who wrote:

Congress chose neither to enumerate specific discriminatory practices, nor to elucidate in extenso the parameter of such nefarious activities. Rather it pursued the path of wisdom by being unconstricted, knowing that constant change is the order of our day and that the seemingly reasonable practices of the present can easily become the injustices of the morrow (Prevention, p. 6).

A liberal application of both definition and guidelines is possible. The EEOC booklet, Prevention of Sexual Harassment in the Work Place (1985), suggests that such harassment ranges from the subtle to the overt. At one extreme sexual harassment may be merely a nuisance; at the other it may be

a threat to the victim's job. Both types fit into EEOC guidelines, which further state, "The key element in defining sexual harassment is that, regardless of the form the behavior takes, it is unwelcomed by the recipient" (p. 7). Citing Till (1980), Fitzgerald (1990) credits the National Advisory Council on Women's Educational Programs with developing a victim-based definition of sexual harassment in an educational institution: "Academic sexual harassment is the use of authority to emphasize the sexuality or sexual identity of the student in a manner which prevents or impairs that student's full enjoyment of educational benefits, climate, or opportunities (p. 23). Another important element, power inequity, is included in Mackinnon's (1979) definition:

"Sexual harassment . . . refers to the unwanted imposition of sexual requirements in the context of a relationship of unequal power. Central to the concept is the use of power derived from one social sphere to lever benefits or impose deprivations in another. . . . When one is sexual, the other material, the cumulative sanction is particularly potent" (p. 1).

The role that power plays in sexual harassment is stressed repeatedly in the definitions (Allen & Okawa, 1987; Bouchard, 1990; Brandenburg, 1982; Fitzgerald et al., 1988; Hill, 1992; Hoffmann, 1986; Korn, 1990; Malovech & Stake,

1990; Olson & McKinney, 1989; Paludi, 1990a; Rubin & Borgers, 1990; Tuana, 1985; Wilson & Kraus, 1983;). The message comes through, loud and clear. Sexual harassment is about power, not sex.

Defining sexual harassment was a goal of much of the early research (Benson, 1979; Paludi, 1990b; Sandler & Associates, 1981). Fitzgerald (1990) points out that empirical definitions have come from research conducted with victims of sexual harassment. As an example, Fitzgerald cites the influential definition derived by Till (1980) from interviews with college women. Till separates sexual harassing behaviors into five categories: "generalized sexist remarks and behavior," "inappropriate and offensive, but essentially sanction-free sexual advances," "solicitation of sexual activity or other sex-related behavior by promise of reward," "coercion of sexual activity by threat of punishment," and "sexual crimes and misdemeanors, including rape and sexual assault" (p. 25). Feminists contributed to the definition of sexual harassment. Hoffmann (1986) explores the underlying causes of the behaviors and defines sexual harassment as a public not a private issue. Paludi (1990b) includes gender harassment as a type of sexual harassment. It consists primarily of verbalizations which are directed at women "because they are women" (p. 3). This applies because

although males can be victims, the overwhelming majority of occurrences involve male harassment toward females (Allen & Okawa, 1987; Arlis & Borisoff, 1993; Benson & Thomson, 1982; Bouchard, 1990; Brandenburg, 1982; Farley, 1980; Gibbs & Balthrope, 1982; Glaser & Thorpe, 1986; Gutek, 1985; Malovich & Stake, 1990; Ruben & Borgers, 1990; Sandler & Associates, 1981; Somers, 1982; Tuana, 1985; Wagner, 1992). Sexual favors may or may not be the goal of harassing remarks, jokes, or innuendos; Paludi (1990b) posits that they are instead manifestations of the initiator's belief that because the recipient is inferior, she is powerless and subject to his behavior. Bouchard (1990), too, includes gender stereotyping as sexual harassment. When judgments are made about individuals based purely on their sex, equal treatment is not likely to result. Women are not all alike. Bouchard writes, "Even if one woman did exchange sexual favors for special treatment, this does not mean that all women do" (p. 11).

Gender harassment belongs in the category of behavior which is in the mid-range between what clearly is sexual harassment and what clearly is not sexual harassment. This mid-range of behavior is the most difficult to identify (Adams, Kottke & Padgitt, 1983; Brandenburg, 1982; Brewer, 1982; Padgitt & Padgitt, 1986; Reilly et al., 1982; Sullivan & Bybee, 1987; Weber-Burdin & Rossi, 1982). Brewer (1982)

found that both legally- and socially-derived definitions emphasize the affective response of the recipient, and Rubin & Borgers (1990) posit that the "definiteness" of sexual harassment behaviors as such depends largely upon the actions of both the initiator and the recipient, but the "seriousness" of sexual harassment depends upon the initiator's behavior alone. Judging the seriousness of sexual harassment solely on the behavior of the initiator is a recognition of the power positions of the individuals involved.

Efforts to define sexual harassment have continued to the present, because to be recognized and addressed a behavior must be defined.

Sexual Harassment on College Campuses

While initial attention concerning sexual harassment was given to working women, the history of sexual harassment on college campuses may precede that of the workplace. Dziech & Weiner (1990), writing in The Lecherous Professor, cite what they label "a familiar jest," to suggest the long history of campus sexual harassment, "Where there has been a student body, there has always been a faculty for love" (p. 11). Dziech & Weiner posit that sexual harassment has probably occurred on campus for as long as there have been women students and male professors. Women were first admitted to Oberlin in 1837.

Achieving campus recognition of sexual harassment as a social problem also has been difficult. Legally, sexual harassment which occurs on a college campus falls under the ruling of Title IX of the Education Amendments Act of 1972. Title IX forbids discrimination based on sex in educational institutions. The Supreme Court of the United States ruled in 1979 that an individual could file a legal complaint against an institution under Title IX (Gibbs & Balthrope, 1982). Several female students had taken Yale University to court in 1977 under Title IX, citing sexual harassment and the university's failure to provide grievance procedures for student victims of such harassment (Alexander v. Yale, 1980). While the students did not win the case, the university had by 1980 instituted grievance procedures for sexual harassment complaints (Gibbs & Balthrope).

Sexual harassment had existed for many years on college campuses, but had received little attention and less serious consideration (Padgitt & Padgitt, 1986). Dziech and Weiner (1990) labeled this campus atmosphere as "a curious complacency" (p. 2). Victims had few options in seeking help because sexual harassment was ". . . simultaneously denied, ignored, disputed, discounted, and disregarded" (p. 11). The acceptance of campus sexual harassment as a social problem faced all of the general attitudes previously mentioned plus others which were unique to the setting.

Sexual interaction between teacher and student was seen by some teachers as "educational, liberating, therapeutic," and therefore "acceptable." A less commonly held attitude perceived sexual involvement with students as a teacher's "right of status" (Crocker, 1983, p. 698). Another reason cited for complacency was the lack of information; no one knew to what extent campus sexual harassment existed. No studies offered statistics that a university might use to evaluate its situation. The issue was easily ignored.

Similar complacency was found off-campus, as well. Piety (1992) writes, ". . . good people have consistently sent the message to universities that they do not care to know what goes on within their walls" (p. 30). Students with complaints found little support even from parents (Piety, 1992), and early court cases offered little to encourage victims to seek redress. Hill (1992) described courts as they existed before the mid-1970s as refusing to see the seriousness of sexual harassment, perceiving it only as the result of normal sexual attraction or merely as an over-reaction on the part of the victim, attitudes which reflected those of society at the time.

This situation began to change in 1974. The National Advisory Council on Women's Educational Programs was created under the 1974 Women's Educational Equity Act. During the 1979-1980 academic year, the council requested from

institutions and individuals information on sexual harassment of students. Results were published in 1980, representing the first large-scale report on the problem. The council did not claim its study was definitive, but the door for further study was finally open (Dziech & Weiner, 1990).

Scope of Sexual Harassment on Campus

Since the 1979-1980 call for information and in an effort to focus more attention on the issue, research studies have examined the scope of sexual harassment on campus. Studies have shown that from 18% to 50% of students are the recipients of sexual harassment (Benson & Thomson, 1982; Hoffman, 1986; Kantrowitz, 1992; Lott, Reilly & Howard, 1982; Maihoff & Forrest, 1983; Paludi, 1990a; Schneider, 1987; Tuana, 1985; Wilson & Kraus, 1981). Percentages depend upon the definition of sexual harassment the researchers use and the range of behaviors that are included in a particular study. Yet, as Sandler (1990) notes if only 20% of undergraduate females experience sexual harassment, the actual number involved would be 1,300,000. If only 2% of undergraduate females experience threats, coercion or offers of bribes, as cited by Sandler, the number of students involved would be 130,000.

Statistics in both categories are higher for graduate students as is shown in several studies (Allen & Okawa,

1987; Fitzgerald et al., 1982; Sandler & Associates, 1981). For instance, Allen and Okawa (1987) found that incidences of sexual harassment experienced by undergraduate females at the University of Illinois increased with each year they were on campus. These researchers posit that this increase may simply reflect the length of time the students have been on campus, as each year increases the possibility of experiencing harassment. However, increases in sexual harassment experienced by graduate students cannot be similarly explained. Some graduate students are newly arrived on campus, certainly many have been on campus for a shorter time period than have the seniors. The higher percentage, 19% of graduate students and 10% of undergraduate students in this study, may reflect the greater vulnerability of graduates who are likely to spend more time working with only one faculty member.

Effects on Students

One of the most serious aspects of the attitudes which refuse to recognize sexual harassment as a social problem is the belief that no one is harmed by this behavior. Recognition of the issue as a social problem would also be a recognition of the effects sexual harassment has on students, and there are clear effects. A student's educational opportunities can be severely affected to the point of ceasing to exist. Meek & Lynch (1983) and Rubin &

Borgers (1990) found that students drop classes, change majors and careers, and even withdraw from school because of sexual harassment. "Usually, sexual harassment forces a student to forfeit work, research, educational comfort, or even a career. Professors withhold legitimate opportunities from those who resist, or students withdraw rather than pay certain prices" (Dziech & Weiner, 1990, p. 101).

Students also experience emotional effects. Dziech & Weiner (1990) cite emotional effects such as guilt, powerlessness, denial, fear and isolation, while Meek & Lynch (1983) cite embarrassment, disillusionment, betrayal and anger. Koss (1987) cites physical effects that have resulted from sexual harassment: "gastrointestinal disturbances, jaw tightness and teeth grinding, anxiety attacks, binge-eating, headaches, inability to sleep, tiredness, nausea, loss of appetite, weight loss and crying spells" (p. 79). Undoubtedly, no student has experienced all of these symptoms, but the literature indicates that many do experience educational, emotional and physical effects.

Those in authority who fail to recognize the harmful effects of sexual harassment deny the student the right to acknowledge and deal with his/her reactions. The people with power simply cannot imagine being a victim. M. Hite has written,

"The more the victim is someone who could be you, the easier it is to be scared. By the same reasoning, it's possible to be cosmically un-scared, even to find the whole situation trivial to the point of absurdity, if you can't imagine ever being the victim" (Stimpson, 1989, p. 3).

Policy

Because some individuals with power do fail to recognize the relative powerless position that students experience, the institution must do so. This institutional recognition has come through sexual harassment policy statements. However, even with research information which confirmed the frequent occurrences of campus sexual harassment, the educational community reacted to the problem of sexual harassment more slowly even than had the workplace (Malovich & Stake, 1990).

One event, however, speeded the process. The first Title IX ruling which dealt with sexual harassment of a student resulted from a case brought against Yale University in 1977. Ronni Alexander accused a professor of sexual harassment, including coercive sexual intercourse. She also accused Yale administrators of failing to respond to her complaints about the professor's behavior. Four other female students joined Alexander in her legal efforts,

claiming that because the university tolerated sexual harassment, an atmosphere of intimidation existed at Yale which encouraged neither teaching nor learning. The students lost their case. However, because it was based in part upon the lack of a grievance procedure, however, the Alexander v. Yale (1980) case sounded a loud warning. The ruling established the responsibility of federally-assisted universities to respond to sexual harassment as sex discrimination under Title IX.

In a 1981 memorandum issued by a director in the office of Civil Rights of the United States Department of Education, universities were reminded of their obligation to prevent violations of Title IX and to "deal adequately" with sexual harassment complaints (Malovich & Stake, 1990). Because of the legal status the issue had gained, no institution could afford to take the issue lightly (Clark, 1991; Langevin & Kayser, 1988; Petersen & Massengill, 1982; Sandroff, 1988; Stokes, 1983). Universities which had not already done so began to create both policy statements and grievance procedures.

Nevertheless, college administrators and others who were selected to help create sexual harassment policy statements faced problems in convincing some faculty members that such statements were necessary. Negative faculty attitudes ranged from those who labeled the policy efforts

as "silly" to those who felt students were being handed a tool which would allow them to destroy careers. Some faculty members felt the policies were unnecessary and restrictive. Others were offended by what they perceived as implications that they could not be trusted. The policies were criticized as invasions of individual privacy and efforts to legislate morality (Crocker, 1983).

These responses to the creation of policies, though not unanimous in the campus community, offered evidence that many of the previously cited attitudes toward sexual harassment were alive and well. Campus sexual harassment was still not taken seriously, certainly not perceived by all to be a problem which needed or deserved the attention it was getting. Individuals felt defensive about this issue and apparently to some degree also felt some fear. These attitudes made the task of creating policy more difficult, but they also made it more necessary.

Before the Yale case, which was the first litigation involving student sexual harassment, university administrators had limited resources to turn to for guidance in developing sexual harassment policies and procedures. Only those policies written for the workplace were available for reference (Adams, Kottke & Padgitt, 1983). However, academic sexual harassment was not exactly like workplace sexual harassment and university policy statements needed to

reflect an understanding of sexual harassment as it was experienced by students. One source of policy information that was available to administrators resulted from a particularly focused kind of on-campus research often done for the sole purpose of encouraging administrators to implement sexual harassment policy (Schneider, 1987). Adams, Kottke, and Padgitt (1983) cited such research as a valuable resource for defining sexual harassment, specifying harassing behaviors, determining the scope of the problem, and becoming aware of the repercussions for victims. In an article written in part to assist administrators with policy development, the authors used their own research results to recommend especially that policy statements clearly state all sources of help available to sexual harassment victims and specify in detail the steps that must be taken to file both formal and informal grievances or reports. The need to disseminate a university's policies to students, staff members, faculty and administrators was emphasized. University administrators were reminded that most sexual harassment is never reported, so few reports do not mean that sexual harassment is not occurring.

Wilson & Kraus (1983) criticized administrators who fail to share policy development and discussion with faculty. They argued that two goals of such faculty inclusion would be ". . . to revitalize the norms against

sexual harassment and to develop shared understandings of how faculty should respond to certain situations. . . ." (p. 224). Building on areas of agreement they hoped would lead to as great a consensus as possible. Wilson & Kraus posited that potential harassers within the group might well rethink their attitudes in the face of such a consensus.

Tuana (1985) suggested that a university's policy should define sexual harassment, discuss types of sexual harassment, and clearly explain grievance procedures. Such a code should be published in both faculty and student handbooks. Tuana concluded, "Institutions can encourage students to report incidents of sexual harassment and to confront teachers by creating and maintaining an atmosphere where such complaints will be justly treated" (p. 63).

Regardless of the university's good intentions in creating a policy statement, the university's ability to reduce incidents of sexual harassment will be diminished if the procedures are not used. Student failure to report sexual harassment is well documented in the literature (Adams, Kottke & Padgitt, 1983; Allen & Okawa, 1987; Benson & Thomson, 1992; Brandenburg, 1982; Malovich & Stake, 1990; Markunas & Joyce-Frady, 1987; Meek & Lynch, 1983; Piety, 1992; Rubin & Borgers, 1990; Schneider, 1987; Strine, 1992; Sullivan & Bybee, 1987). Meek & Lynch (1983) cite a survey conducted at the University of Florida in which more than

70% of female respondents indicated that they did not feel free to report sexually harassing incidents. Students cited three fears that influenced their decisions: they would not be believed; they would face retaliation; and the university would take no action. Schneider (1987) found that only 10% of the sexual harassment victims in this university study filed formal complaints. They, too, feared retaliation and that the university would take no action. Other research (Allen & Okawa, 1987; Rubin & Borgers, 1990; Benson & Thomson, 1982) indicated that ignorance of or unfamiliarity with grievance procedures discouraged or prevented student reporting of harassing behaviors.

Sullivan & Bybee (1987) conducted a study to determine which factors female students believe would encourage their reporting of harassing behavior. The impetus for the study was the fact that although Salem State College had instituted a grievance procedure in June of 1983, only one student had used it by February of 1984. Results indicated that students would be likely to use policy procedures if "the harassment were severe, if the reporting procedures were perceived to be effective, if they were not afraid of the reporting procedure itself, and if they felt they would be believed" (p. 14). Another factor which students believed would influence their decision to report sexual harassment was the person to whom sexual harassment must be

reported. Students would more likely report sexual harassment to a woman rather than to a man, and students preferred reporting to an individual who was not associated with the department in which the harassment occurred.

Piety (1992) attributed much student failure to report sexually harassing behaviors to policy statements that were ". . . set up to protect universities and their employees-- that is, the harassers rather than the harassees" (p. 30). Such policies reflect the attitude that institution administrators still do not see sexual harassment as a serious social problem. Policy statements which define sexual harassment only as threats or promises also discourage reporting. Sexual harassment of students rarely consists of threats or promises; it is usually more subtle. Such restrictive defining of sexual harassment reflects an institutional attitude of only wishing to appear as if something is being done to deal with the problem of sexual harassment. When this restricted definition is combined with policy which requires the student to agree to be identified before a complaint can be investigated, students rarely file complaints. Piety summarized:

". . . imagine an insecure college freshman agreeing to be identified as bringing a complaint of harassment against a professor who has not even overtly threatened him or her! It almost never happens, and universities

hope that the absence of such formal complaints will be interpreted by the public as reflecting an absence of harassment" (p. 30).

Consensual Relationships

This criticism that university administrators may not be going far enough in their efforts to control sexual harassment is increasingly countered by criticism that they are going much too far. Often this latter criticism is inspired by bans against consensual relationships between professors and students. In 1981, Sandler and Associates wrote that ". . . some college and university administrators feel that, regardless of whether teacher-student sexual relations occur, these relationships are nobody's business" (p. 54). Yet, today one is more likely to read of college and university administrators who have imposed teacher-student consensual relationship bans. For instance, after the Tufts University provost "unilaterally banned" sexual relationships, he said, "It was just one of those things I felt was not subject to debate" ("New rules," 1993, p. 33).

Consensual relationship bans, regardless of how they are initiated, constitute one of the current controversial areas of campus sexual harassment. Statements of bans range from those such as was adopted at Amherst College in 1993, which have no sanctions and seem merely to offer guidance: "It is unwise for faculty members to engage in sexual

relationships with students even when both parties have consented to the relationship. . . ." ("New rules," 1993, p. 36) to those which warn of disciplinary action and are strongly worded: "It is a violation of University policy if a faculty member . . . engages in an amorous, dating, or sexual relationship with a student whom he/she instructs, evaluates, supervises, advises" (New rules, p. 36) as adopted by Tufts University on January 1, 1992.

Such action on the part of universities has resulted in a definite difference of opinion among administrators, faculty members and others. Some support the bans, while others feel they never should have been included in policy statements. Those who support an outright ban on consensual teacher-student sexual relationships contend that such relationships cannot ever be truly consensual. An equitable relationship cannot exist because of the inherent inequity of power between the teacher and the student (Crocker, 1983; Dziech & Weiner, 1990; Fitzgerald et al., 1988; Hite, 1990; Hoffman, 1986; Paludi, 1990a; Paludi, 1990b; Stimpson, 1989). This point of view gains support because of two areas well noted in the research literature. The first is the emphasis that has long been given to the role of power in sexual harassment. In a forward to M. Paludi's Ivory Power, Korn (1987) writes, "The measure of a civilized society is how it protects the less powerful, and how it

reacts to the victimization of the less powerful" (p. XIV). The second point depicts former student participants recalling what at the time seemed to them to be consensual intimate relationships with teachers. Many former students look back from the maturity of several years and feel that "consensual" does not at all describe what occurred in their lives as students (Dziech & Weiner, 1990; Gilcher, 1994; Glasser & Thrope, 1986; Schneider, 1987).

Those who oppose a ban on teacher-student consensual relationships do so from at least two points of view. Professors/teachers have labeled such bans as infringements on their individual rights, bureaucratic interferences, and violations of their personal and academic freedoms (Leatherman, 1994). Criticism also comes from feminists who contend that these bans put female students (primarily) back into a paternalistic hierarchy, treat them as children and disregard their freedom of choice (Hoffmann, 1986).

Method

Description of the Artifact

It is this controversy over institutional bans which prompted the rhetoric to be examined in this paper.

Harper's Magazine brought together four academics for an informal, but obviously recorded, discussion of the consensual sexual relationship ban controversy. As was explained in the article's introduction, all four of the

participants were opposed to the bans. The original article, printed in Harper's Magazine, ran approximately nine pages, appearing in Harper's Magazine's September, 1993 edition.

On September 22, 1993, The Chronicle of Higher Education excerpted a small portion of the article. Eight paragraphs of the contribution to the discussion of Professor William Kerrigan of the University of Massachusetts, Amherst were reprinted (see Appendix A). The excerpt appeared with the following headline: "'Positive Instances of Sex Between Students and Professors.'" In these eight paragraphs, Kerrigan discusses sexual relationships that he has experienced with students. As suggested by the headline, his major point is that some sexual relationships between teachers and students are "positive." He also emphasizes that students initiate such relationships. The Chronicle printed this excerpt in its "Melange" feature with no introduction, no explanation and no commentary. Only the source, Professor Kerrigan and Harper's Magazine, was identified.

In succeeding issues of the Chronicle, eight responses were printed. The first of these appeared in the October 6 issue and conveyed the information that as a result of Kerrigan's statement, the Faculty Senate at Amherst had, through a formal resolution, disassociated itself from his

comments. Also noted was the information that the chancellor at Amherst had "reminded the campus of its sexual harassment policy" ("In" box, p. A19) and directed that a panel be formed to determine Amherst's need for a policy on consensual relationships to replace its current statement which only "cautions against such relationships" (p. A19). The October 13 issue of the Chronicle carried five letters which had been written in response to Kerrigan's statement. The October 20 and November 11 issues each carried one letter which referred to the Kerrigan commentary. In all, eight responses which came from 18 correspondents, one faculty senate and a university chancellor were printed.

After a discussion of method, this paper will analyze William Kerrigan's excerpted statement as it appeared in The Chronicle of Higher Education and the seven letters printed by the Chronicle which respond to Kerrigan's statement. The column which announced the Amherst Faculty Senate's resolution disassociating itself from Kerrigan's statement is not included in this rhetorical analysis because the resolution itself was not printed, and the chancellor's response was only paraphrased. No language used in that statement came directly from these sources.

Description of the Tool

¹The full text of The Chronicle of Higher Education version of Kerrigan's statement and of the seven responses are contained in Appendices A and B.

Kenneth Burke has contributed significantly to the efforts toward analysing the connections between rhetoric and the rhetor. An important goal of Burkean criticism is to examine the rhetoric in order to determine the rhetor's motive. Since this paper will examine attitudes of rhetors toward sexual harassment, determining motive is an important step. One of Burke's methods created to achieve this goal of motive is cluster criticism. Cluster criticism is ". . . designed to help the critic discover a rhetor's motive by examining how rhetoric is used to encompass a situation . . ." (Foss, 1989, p. 335). The critic using this approach examines language usage. Such a focus on language works well in this analysis because of the nature of this rhetoric: a statement of personal opinion and letters of personal opinion in response. Burke developed cluster criticism as a part of his "dramatism." This Burkean concept is so named because terms used in dramatism are taken from drama.

Burke's dramatism is based upon two assumptions. The first is that ". . . Language use constitutes action, not motion" (Foss, 1989, p. 335). Burke used "action" in opposition to "motion." Action refers to the human's ability to acquire and use language symbolically; motion refers to the human's reactions to his physical or biological needs. Man's need to seek, eat and digest food

constitutes "motion," while man's ability to share an experience with others through the use of symbols, whether verbal or nonverbal is "action." When humans set specific goals, plan the steps required to reach those goals and initiate the steps, these actions are guided by motives which originate in symbolicity. Action must involve three conditions: the freedom to make a choice, the will to make a choice and activity.

The second assumption within Burke's dramatism is that humans create and present messages much as actors in a play do. We create a "world view" with our rhetoric, and we do so because we have the freedom to make a choice of possible views, the will to chose one and the symbols needed to present that view. Through the presentation of our rhetorical view of the world, we have acted. And, we have acted out of motive; we have our reasons for creating a particular world view (Foss, 1989).

Burke says that by examining the rhetoric and interpreting it so one can perceive and understand the rhetor's symbolically presented view, a critic can travel backward through the process, see the view chosen, the rhetor's will to make the choice, the rhetor's freedom to have done so and ultimately the rhetor's motive for the entire action.

The first step in this critical process involves

finding key symbols used by the rhetor. These symbols may be recognized because they are in some way repeated, or because the term conveys an intensity: ". . . it may be extreme in degree, size, strength, or depth of feeling . . ." (Foss, 1989, p. 368). Once key terms have been identified, the critic then examines the artifact to find terms that are clustered with those key terms. These secondary terms may be identified by their proximity to the key terms, or they may be connected grammatically or logically to the key terms. At this point, the critic looks for patterns in the clusters of terms. Key terms often can be interpreted more easily when one studies them in relation to other terms which appear with them.

Also, the critic may find an agon analysis to be helpful. In doing an agon analysis, the critic finds contradictory terms in the rhetoric. By examining terms that oppose the key terms, one may be better able to determine not just the rhetor's meaning but, perhaps more importantly, the rhetor's motive. This is especially true if the opposing terms suggest a "conflict or tension in the rhetor's world view that must be resolved" (Foss, 1989, p. 369). For example if a rhetor who proposes bans on consensual sexual relationships on the basis of student need for autonomy also speaks of the student's need for protection from his/her own poor judgment, the rhetor has

used opposing terms: autonomy and protection. The critic would assume from this segment of the agon analysis that the rhetor still has some unresolved conflict in his/her view of the situation.

A careful examination of Kerrigan's language not only will reveal his real motive, it will also reveal that he attempted to project an entirely different motive. Both his real motive and his decision to deceive his audience reveal much about his attitude toward sexual harassment. It is this attitude toward sexual harassment that serves as impetus for supporting sanctions on teachers who abuse power by sexually harassing students.

The seven responses to Kerrigan's statement are analyzed to show both the polarizing effects of that statement and Kerrigan's failure to support his argument against consensual relationship bans. The respondents recognized in Kerrigan several attitudes toward sexual harassment that this paper has cited as having impeded the recognition of this issue as a social problem. Again, it is his attitude toward sexual harassment that serves to support this paper's advocacy of sanctions on teachers who sexually harass students.

Results

Cluster Analysis of Kerrigan's Rhetoric

A cluster analysis of William Kerrigan's statement

shows that Kerrigan intends to use rhetoric to justify sexual relationships between professors and students and thereby also prove that university bans on such relationships are not needed. Using his own experiences with female students, Kerrigan attempts to justify these relationships by directing attention away from his own responsibilities and motives and toward the responsibilities of the students involved and the alleged "positive" effects of such relationships. In Burke's terms Kerrigan attempts to ". . . deflect attention from criticism of personal motives by deriving an act or attitude not from traits of the agent (rhetor) but from the nature of the situation" (Foss, 1989, p. 17).

Kerrigan begins to downplay his own responsibility in his relationships with students in the opening paragraph of his statement. He labels himself the "subject" of student "advances" (p. B3) and describes the students, both male and female, as coming at him, even removing their clothing in his office. He further minimizes his role in initiating such relationships with his statement in the second paragraph that he merely responds to certain students (virgins). In the fourth paragraph, he refers to virginity that ". . . has been presented to me . . ." (p. B3). Thus, Kerrigan attempts to diminish his responsibility and role and emphasize the importance of both the situation (intimate

relationships do occur between professors and students) and the initiating role of others (students are primarily responsible for such incidents).

Kerrigan devotes the next part of his statement to defending intimate professor-student relationships on the basis that there are "positive instances of sex between students and faculty" (p. B3). He uses "beautiful" and "genuinely transforming" as descriptors of the positive elements in these relationships. In addition, Kerrigan makes reference to both sexual and psychological power that is apparently to be found in professor-student relationships. He does not clarify who is experiencing this power but does state that such power allows the professor to "touch a student in a positive way" (p. B3). Little detail is given concerning the "transformation" which occurs for the student. Kerrigan mentions an "initial idealism" and later both "disappointment" and "anger" (p. B3). His rhetoric implies that all three of these are experienced by the student. Clearly, the "anger" is an emotion attributed to the student. Other than this transformation from idealism to disappointment to anger, no other details are given which would support the assertion that the student has been either touched or transformed positively.

That Kerrigan has failed in his attempt to minimize his responsibility in these professor-student relationships he

describes becomes very clear through the application of Kenneth Burke's cluster analysis.

Two key terms found in this statement are "power" and "relationships." The term, "power," is chosen because of both the intensity and repetition of its use, "It's very powerful sexually and psychologically, and because of that power, one can touch a student in a positive way" (Kerrigan, p. B3). Repetition of "power" occurs only in this sentence, but perhaps because the word is so immediately repeated, in both uses of the word there is intensity. The absence of any antecedent for the pronoun "it" in this sentence increases one's focus on the sentence. The subject of the previous sentence is "relationships." However, this noun does not grammatically serve as the antecedent for "it." What is "powerful sexually and psychologically"? The second use of this key term in the phrase, "because of that power" (p. B3) also carries intensity. Because of power, "one can touch a student in a positive way" (p. B3). Because of power, one can touch a student? Anyone who has read any literature on sexual harassment will immediately recognize the basis for most incidents of sexual harassment: power. In determining what terms cluster with this key term, one needs to look at its use.

Since the rhetor associates "power" with "one who can touch students in a positive way" (p. B3), and since he

obviously is referring to himself as the "one" who has done so, the next step involves examining other self-descriptors used by the rhetor. In describing himself and/or his role in the scene, Kerrigan uses "only a professor could help," "not quite another man," "half an authority figure," "I . . . can handle," "preciousness I can realize," "teacher presents ideas in beautiful form," "seduction in pedagogy," and "one (I) can touch in a positive way" (p. B3). A cause-effect relationship can be found in these terms. Power is implied in these phrases: only a professor can help, I . . . can handle, preciousness I can realize, and one (I) can touch in a positive way. Evidently the "power" Kerrigan speaks of leads to or results in much skill and great ability. His power causes him to be "not quite another man" (p. B3). Does this mean he is an entity somehow superior to just another man? He is "an authority figure" who presents ideas in "beautiful" ways which seemingly naturally lead to "idealism" and "seduction in pedagogy," which in turn lead to his touching students in "positive" ways (p. B3)?

The second key term is "relationships." This term is chosen because of its repetition; Kerrigan uses it four times in this brief statement. It is also chosen because relationships are a central topic of the statement. Those terms or phrases which cluster with "relationship" are "hard to describe," "difficult to defend," "flawed and sometimes

tragic," "idealism," "down to earth," and "beautiful and genuinely transforming" (Kerrigan, p. B3). These terms, subjected to an agon analysis, do suggest conflict and tension in the rhetor's explanation. Tension is found in the phrases, "hard to describe" and "difficult to defend." The rhetor apparently feels tension as he attempts to both describe and defend his point of view, an act that is "hard" and "difficult." The other terms nearly arrange themselves into conflicting patterns. Intimate relationships between professors and students begin with "idealism," yet end in "disappointment and anger;" they are "beautiful" yet "flawed," and while they are "genuinely transforming," they are also "tragic." William Kerrigan attempts to justify sexual relationships between professors and students primarily on the assertion that such relationships are not harmful; in fact, they are helpful ("positive"). The conflicting terms in the agon analysis, those terms which cluster with "relationships," serve as evidence of Kerrigan's failure to establish or sustain this concept. Secondly, he proposes that such relationships are what students want, that students, rather than professors are responsible for their existence. This insulates him from bearing responsibility. However, his use of the key term "power" to describe the source of his ability to touch and transform students belies his establishment of student

responsibility.

William Kerrigan has done what Hite (1990) refers to as ". . . allowing the misdeed to be defined entirely by the accused . . ." (p. 15). While Kerrigan has volunteered information about his relationships rather than having been accused, his audience was given only his point of view. Thus, it is almost ironic that nothing in his statements supports his assertion that students experienced "positive" effects. The only effect directly attributed to the student is "anger." Kerrigan does not explain how one's experience of feeling anger is positive. Another effect, clearly implied for the student, would be losing her virginity to Kerrigan. Seeing this as a "positive" is, at best, problematic.

Conflict in this rhetor's view destroys his argument. The strongest evidence of this conflict lies in the opposition of his two goals. As Kerrigan develops his evidence that students seek intimacy with him, as the students "come at" him, "take their clothes off" in his office, and present their virginity to him; he minimizes his own responsibility. Ordinarily one seeks to avoid responsibility in order to avoid blame. However, if Kerrigan's second contention, that professor-student relationships are positive in their effects, for what would there be any blame? It is this fundamental conflict of

logic that most damages William Kerrigan's argument against professor-student relationship bans.

To determine this rhetor's motive, the critic must go back to the key terms. Kerrigan's most intense key term in this rhetoric is "power." He attempts to accomplish two objectives relative to "power." He wants his audience to know that he has it, and he wants his audience to believe that he has not abused it. However, Kerrigan fails in his attempt to convince his audience that he has not abused his power. Because of his focus on his power, in congruence with his efforts to depict himself as playing a passive role while students initiate sexual relationships with him, Kerrigan loses credibility. Based upon this incongruency in his rhetoric, I believe Kerrigan's motive is to protect his power. He opposes consensual relationship bans because these bans will diminish his power with students.

Cluster Analyses of Responses to Kerrigan

The Chronicle of Higher Education printed seven letters which responded to Kerrigan's statement (see Appendix B). A cluster analysis of each of these letters illuminates the motives of this rhetoric.

Judging from the language used: "insensitivity toward young women students," "objectification of young women students" (Marek et al., 1993, p. B9), "equality of opportunity now afforded young women," and "Studmeister

Kerrigan" (Morrow, 1993, p. B4) and the criticism of Kerrigan's stereotyping of young women, the first two letters are written from a feminist point of view. Both obviously are offended by Kerrigan's attitude toward the young women with whom he has had intimate relationships.

The key term in both these letters is "students." In each letter, this key word or another, "women" used to make the same reference, appears nine times. This repetition clearly indicates the major area of concern for these rhetors. In an obvious rebuttal of what they see as Kerrigan's negative attitude toward the students, except as the "willing" recipients of his attentions, these rhetors feature this attitude in their rhetoric. The first letter, written by J. Marek, K. McDade and ten students (1993), reveals their response to Kerrigan's attitude in the terms which are used with this key term. Such terms as "objects," "idealism," "unable," "unthinking," and "need to learn" suggest that Kerrigan views the students as weak and incapable. The rhetors accuse the magazine of participating in Kerrigan's "reduction and objectification of young women students" by printing "extreme and harmful views" (p. B9) with no comment. These correspondents use "respect" in opposition to "reduction and objectification," obviously suggesting that the students were not treated to any respect from Kerrigan or the magazine.

In the second response, L. Morrow (1993) uses "students," "women" and "virgins" as key terms to focus the attention of the audience in the direction of the students rather than toward Professor Kerrigan. This correspondent, too, develops evidence that Kerrigan views these students as weak and incapable. Morrow says Kerrigan implies this weakness by using terms like "preys on" (students), "naive," "vulnerable," "malign influences" (students subject to), and "bedding" (students). Terms that suggest the incapability of students are "need to be relieved" (of virginity), "unthinkable" (that a woman might thoughtfully and willingly elect to be a virgin) and "attributed virginity not to a woman's assertion of her own beliefs and will" (Morrow, 1993, p. B4).

An agon analysis of conflicting terms in Morrow's language indicates not a conflict in the mind of this rhetor, but the conflict between the rhetor's view of the world and the rhetor's interpretation of Kerrigan's view of the world. Morrow ridicules Kerrigan's ability to detect when students need him to "disburden" them of their virginity by asserting that the student's alleged need "coincides with the emergence of his desire for her." The rhetor also contrasts Kerrigan's belief that the student has a "need to be relieved" of her virginity with the rhetor's view that the student could "elect to remain virginal."

Kerrigan sees the student as subject to "malign influence" to remain virginal, while Morrow suggests the decision may well result from an "assertion of her own beliefs and will." The rhetor accuses Kerrigan of boasting of his "sexual prowess," while in the rhetor's view he actually "preys on those whom he considers naive and vulnerable." From Morrow's point of view, Kerrigan brags of his strengths, emphasizes the weaknesses of his female students and simultaneously "blames" them for initiating sexual relationships. The writers of both letters act from the motive of destroying Kerrigan's credibility. . .

J. S. Isgett (1993) judges Kerrigan's rhetoric from a point of view based upon traditional standards of morality. This respondent focuses on Kerrigan as representative of elements of the campus hierarchy: faculty, staff, administrators and policy. Cluster terms and phrases used to describe Kerrigan are "glorifying . . . Don Juanism," "lack of understanding of the power relationships," "self-discipline . . . not worthy of consideration," and relative to policies, "intended to prevent . . . litigation (rather) than to uphold . . . moral tradition or community-based values." Terms which contrast with these cluster terms are "naive," "old-fashioned," "safeguards," "protect" and "protecting" (p. B4). Clearly this rhetor criticizes Kerrigan's statement as indicative of Kerrigan's lack of

"old fashioned" moral values. Such values would have caused Kerrigan to practice "self-discipline" and be concerned with "protecting" students with "safeguards," presumably bans on consensual sexual relationships between teachers and students, according to Isgett. Isgett acts from a motive of encouraging the faculties and administrators of educational institutions to base their decisions on traditional moral precepts.

J. A. Lemoine (1993) writes from a social concern. The major issue given attention in this letter is the power inequity which exists in an educational society. The tone of the letter is calm, and the decision presented by the writer appears to have been made in a rational manner. The rhetor makes no personal attack on Kerrigan. The key phrase and object of focus in this rhetoric is "policy on consensual relations." The phrase appears four times. The terms which cluster with this key phrase illustrate what the rhetor labels his/her own vacillations on such policy. Cluster terms are "unprofessional" and "abuse of power" which contrast with "students . . . treated as adults" and "make their own decisions" (p. B4). Lemoine states that Kerrigan has accomplished the opposite of his goal; he has convinced Lemoine of the need for sanctions on teacher-student consensual relationships. This rhetor acts from a motive of a desire to convince others of the impossibility

that sexual relationships between teacher and student could be consensual because of the power inequity.

M. H. Wasburn (1993) also responds to Kerrigan's statement from a social point of view. The major issue raised by this rhetor is concern that there are professors like Kerrigan "who can't or won't see how inherently power-laden these 'romances' are" (p. B4). Most of this letter offers a dramatization of the rhetor's response to Kerrigan's statement in The Chronicle of Higher Education and in Harper's Magazine. (Apparently this is the only respondent who also read the article from which the Chronicle excerpted.) One perceives the writer's negative impression of Kerrigan's statement primarily through the description of his/her emotional responses. Terms used to describe the emotional reaction are "nagging doubts," (that the statement was a hoax), "could bear it no longer," "with shaking fingers," "a relief," "giving rise to hope," "growing more depressed," "doomed," and "disheartened" (p. B4). In the only comment directed toward Kerrigan, Wasburn expresses relief that Kerrigan does not teach at his/her college. The key terms in this response are those which describe the rhetor's emotional reaction. Since these terms seem to be exaggerated to varying degrees, Wasburn appears to act from a desire to ridicule the rhetoric of Kerrigan in order to diminish his credibility.

S. E. Zillman (1993) apparently responds in anger, as this writer's brief comments consist primarily of a personal attack on Kerrigan. The key term in this rhetoric is "professor," and Professor Kerrigan is the focus of attention. Cluster terms used with this key term are "parody of the lecherous professor," "impenetrable conceit," "monumental selfishness," "self-righteous horror," "pompous justification," and "patronizing pseudo-psychology" (p. B4). The basis for the writer's emotional response is not made clear in the rhetoric of the letter. In addition to attacking Kerrigan, this rhetor describes the effect of Kerrigan's statement as "make(ing) the case for forcibly separating students from professors" (p. B4). Kerrigan has, according to Zillman, accomplished the opposite of his goal i. e. demonstrated through the portrayal of his character, as interpreted by Zillman, the need for bans on consensual relationships between teachers and students. This rhetor acts from the motivation of desiring to destroy Kerrigan's credibility as a spokesperson for professors/teachers.

The final letter printed by The Chronicle of Higher Education is written from a philosophical point of view. W. C. Dowling (1993) supports William Kerrigan--not Kerrigan's statement per se, but Kerrigan's right to make the statement. In supporting Kerrigan's right to express his personal opinion, Dowling deals with one of the issues that

has been raised in the controversy over bans on consensual relationships: academic freedom. The key term in Dowling's rhetoric is "intellectual position"/"consciously provocative position." Terms which cluster with this key term are "developed from consistent premises," "drawing on a variety of literary and philosophical sources" and "analogous to Catherine Mackinnon's . . . argument" (p. B3). In a rebuttal to those earlier correspondents who criticized and attacked Kerrigan, Dowling contrasts responses to Kerrigan's statement with responses to Catherine Mackinnon's book, Only Words. Mackinnon, according to Dowling, has not been "personally hounded in the way Kerrigan has" (p. B3). In supporting academic freedom, this rhetor writes of both Kerrigan's statement and Mackinnon's book, ". . . the principle of intellectual freedom ultimately trumps all lesser objections . . ." (p. B3). In his final exhortation for academic freedom, Dowling writes, ". . . persecution of the person making the argument is wholly out of order. The national kangaroo court currently sitting on the Kerrigan case should go into permanent recess" (p. B3). It is only fair to note that this correspondent writes that he is familiar with other works in which William Kerrigan has expressed his opinions, so he judges Kerrigan on more than this one statement. Because of the emphasis on intellectual freedom and the contrast drawn between responses to

Kerrigan's rhetoric and responses to MacKinnon's rhetoric, this rhetor appears to act from a motive of a desire for fairness. Dowling appears to be arguing for an open, unprejudiced consideration of individual points of view. The rhetor may also be particularly criticizing feminists for their reactions to Kerrigan. The accusation of the existence of a "double standard," a phrase often heard from feminists, and the choice of MacKinnon, a feminist, to contrast with Kerrigan may be an indication that feminists are his major target. His motive may be a desire to diminish the credibility of the feminist reaction.

Discussion

This rhetorical situation revealed familiar attitudes toward the banning of teacher-student relationships. Kerrigan's attempt to support his one-sided view that bans are not needed because sexual relationships between teachers and students sometimes have "positive" results was not accepted as a valid argument. His attempt to deny the power inequity between teachers and students by placing responsibility for the relationships on the students also failed because of his simultaneous depiction of himself as powerful and of students as weak. A presumably unintended result of his rhetorical statement was the polarization of respondents, the evocation of defensive stances and, in some instances, the provocation of emotionally-charged, personal

attacks.

The rhetoric of the respondents, which demonstrated polarization, also revealed their attitudes toward relationship bans. Marek et al. (1993) emphasized in their criticism that Kerrigan and the Chronicle had treated young women as if they were objects and "unthinking people." Morrow (1993) emphasized the student's right to choose with the suggestion that a student may "thoughtfully and willingly" make her own decisions. Both of the responses echo the argument against bans that cites the loss of student autonomy. While Isgett's (1993) call for safeguards and the need to protect coeds seems to support a paternalistic attitude which would support bans, he also called for self-discipline and respect for moral traditions from faculty, staff and administrators. His attitude suggests that bans would not be necessary if those in power approached their relationships with students with self-discipline and respect for moral traditions. Lemoine (1993) summarized the major ban arguments: abuse of power versus treating students as adults who can make their own decisions. This respondent did not clearly call for bans but for "policy addressing consensual relations." Wasburn (1993) showed concern for "the chilly climate for women on college campuses" and Kerrigan's failure to recognize power inequity, but did not clearly support bans. A sarcastic

comment about "hapless" females indirectly supports the concept of student autonomy. Zillman (1993) presents a paternalistic attitude which seems clearly to support bans by calling for "forcibly separating students from professors." Dowling (1993), in his support for intellectual freedom, clearly does not support bans.

The Chronicle of Higher Education bears some responsibility for the negative effects of this rhetorical situation. Only a portion of a discussion was printed. Choosing a segment that was particularly emotion-charged smacks of sensationalism. Undoubtedly the purpose of the Chronicle's Melange feature is to alert readers to noteworthy articles in other publications. However, based on information given by the respondents, only one had read the entire discussion. Whether this affected their attitudes toward relationship bans cannot be known; however, the Chronicle's presentation of the material must be considered as a part of this rhetorical situation.

In summary, William Kerrigan's rhetoric and the manner in which The Chronicle of Higher Education excerpted it did not at all contribute to an open, judicious, and collegial discussion of an important social issue. The artifact and its presentation succeeded rather in polarizing its audience, sending individuals running headlong for their own respective corners of self-interest and the accompanying

points of view. Judging from that audience, though small in number, which responded in a written form, Kerrigan's statement raised some defensive hackles, which in turn inspired more polarizing rhetoric. Far from opening venues for the examination of other points of view, other interpretations of meaning or other areas of concern, this rhetorical scene inspired emotional reactions, such as defensive stances, personal attacks, and the immediate adoption of support for the opposite argument.

This paper has mentioned several attitudes that have impeded progress toward recognizing and solving the social problem of sexual harassment. William Kerrigan's statement, while extreme, is a representation of several of those attitudes. It is a composite of the attitudes of those who believe sexual harassment is a private issue, that the receiver of the behavior can be blamed for it, that no one is hurt by sexual harassment, and that sexual interaction between teacher and student is educational, liberating and therapeutic. Judging from his assessment of his skills, he may also believe that sexual relations with students is his prerogative by right of status.

While individuals with such attitudes still are found in university faculties, the institution has an obligation to warn and, to the degree possible, protect students from them. This can be done through the adoption of sanctions

against those who, like William Kerrigan, would otherwise feel free to sexually harass students.

Conclusion

Sexual harassment of students by faculty members occurs on our college campuses. Sexual harassment of students is not a myth created by feminists or vengeful students. If the academic community believes that an important part of a successful student's education depends upon the relationship between student and teacher, that community must also believe that sexual harassment must not be a part of that relationship. Students deserve better. Students deserve the opportunity to benefit from the expertise of every teacher, not the opportunity to learn why other students avoid certain teachers.

This paper does not support outright bans on teacher-student consensual relationships. Bans restrict the rights of too many people, both teachers and students. As Marek et al. (1993) and Morrow (1993) emphasized, students should have the right to make their own decisions, and as Isgett (1993) emphasized most teachers do show self-discipline and respect for moral traditions in their relationships with students. Bans would be negative in other ways, also. They send too negative a message about all teachers and may serve as a challenge to some teachers and some students.

Ignoring consensual relationships in policy also is not

supported. This response sends the message, supported by William Kerrigan, that all relationships are acceptable, even those which involve power abuse. Students who already fear that universities will not act on their complaints of sexual harassment would be further discouraged by this policy.

In the absence of a simple solution to the controversial social problem that is sexual harassment, this paper supports a compromise between the two extremes noted above. This proposed compromise is the adoption of sanctions on teachers who abuse their power and sexually harass students. In June of 1993 Oberlin College adopted the following statement as a part of its sexual harassment policy: "Offenses involving abuse of power, as opposed to misconduct between equals, and especially repeated abuses of power are always severe and may result in dismissal" ("New rules," 1993, p. 36). No statement will solve the problem of teachers who abuse their power, and statements of sanctions at best may only add weight to an institutional decision that sexual harassment has been recognized as a social problem and will not be tolerated.

Sanctions on those teachers who sexually harass students by abusing their power sends a message to both students and teachers. The message to students is that the institution does take sexual harassment seriously, that

complaints will not be trivialized, and that students will not be left to handle this recognized social problem on their own.

To those individuals who deny either the existence or the serious effects of sexual harassment, sanctions also send the message that the institution recognizes the problem and will not allow it to be trivialized.

To those who believe that sexual harassment is private rather than public, sanctions send the message that the institution will be involved.

To those who blame the victim for sexual harassing behaviors, sanctions send the message that responsibility lies with those who would abuse their power.

To those who feel threatened or morally offended by policy statements, the choice of sanctions rather than unilateral bans on relationships sends the message that the only freedom to be restricted is the freedom to victimize students through the abuse of power.

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Appendix A

William Kerrigan's Statement

I have been the subject of advances from male and female students for twenty-five years. I've had them come at me from right and left. I've had people take their clothes off in my office.

And there is a particular kind of student I have responded to. I am not defending Don Juanism, you know, sex for grades and so forth. But there is a kind of student I've come across in my career who was working through something that only a professor could help her with.

I'm talking about a female student who, for one reason or another, has unnaturally prolonged her virginity. Maybe there's a strong father, maybe there's a religious background. And if she loses that virginity with a man who is not a teacher, she's going to marry that man, boom. And I don't think the marriage is going to be very good.

There have been times when this virginity has been presented to me as something that I, not quite another man, half authority figure, can handle--a thing whose preciousness I realize.

These relationships, like all relationships, are hard to describe, and certainly difficult to defend in today's environment. Like all human relationships, they are flawed and sometimes tragic.

There usually is this initial idealism--the teacher presents ideas in beautiful form, and so there is this element of seduction in pedagogy. And then things come down to earth, and there often follows disappointment and, on the part of the student, anger.

But still, these relationships exist between adults and can be quite beautiful and genuinely transforming. It's very powerful sexually and psychologically, and because of that power, one can touch a student in a positive way.

So if you want to oppose the imposition of this ban [on sexual relationships between students and professors], I say, let's get honest and describe positive instances of sex between students and faculty.

--William Kerrigan, professor of
English and director of the
Program on Psychoanalytic Studies
at the University of
Massachusetts and Amherst,
in the September issue of
Harper's Magazine

Appendix B

Responses to William Kerrigan's Statement

In the free exchange of ideas, we feel we must respond to the choice for the Melange selection of the passage by William Kerrigan ("'Positive' Instances of Sex Between Students and Professors," September 22).

Reproducing this passage without comment suggests insensitivity toward young women students. The passage reduces students to objects, easily drawn in by what Professor Kerrigan sees as an "element of seduction in pedagogy" which appeals to students' "idealism" and which has led some female students to offer him their ("unnaturally prolonged") virginity. The passage implies that these students are unable to respond appropriately to student-professor interactions, which can be intense, that students' idealization of professors in this way is normal, and that (since "human relationships" are all "flawed and sometimes tragic") when disillusionment occurs it's all part of the process.

The self-serving nature of Professor Kerrigan's remarks is obvious, but by selecting these extreme and harmful views, *The Chronicle* participates in the reduction and objectification of young women students as unthinking people who need to learn a sexual lesson. Printing such passages incites anger rather than contributing to careful thought.

Would *Chronicle* editors blithely publish passages, for instance, which indicate that certain racial groups or disadvantaged persons really "want to be oppressed"? We doubt anyone would think it is useful to perpetuate that kind of stereotype. Why then should such treatment of young women students be acceptable? Surely a selection that addressed the topic with more respect for its complicated effects on all participants would have made better use of *The Chronicle's* space.

Jayne Marek

Assistant Professor of English

Kay McDade

Assistant Professor of Sociology

And 10 Students

Pacific Lutheran University

Tacoma, WA

Poor William Kerrigan! As if teaching students to appreciate literature were not a sufficient burden, he takes upon himself the onerous and only marginally rewarding task of deflowering virginal students.

Portraying himself as half Obiwan Kenobi, half Hugh Hefner, Mr. Kerrigan includes among his professional duties disburdening women of their "unnaturally prolonged virginity." Nowhere in the *Harper's Magazine* article does Mr. Kerrigan define that point at which virginity is

"unnaturally prolonged," though the student's need to be relieved of her oppressive maidenhood coincides, apparently, with the emergence of his desire for her.

Studmeister Kerrigan finds it unthinkable that a woman might thoughtfully and willingly elect to remain virginal. By his own admission, he preys on those whom he considers naive and vulnerable. Mr. Kerrigan attributes virginity not to a woman's assertion of her own beliefs and will but to the malign influence of "a strong father" (strong mothers, presumably, urge their daughters to shuck off virginity at the earliest opportunity) or to (shudder!) "a religious background."

Perhaps the most bizarre of Mr. Kerrigan's assertions is that if a woman loses her virginity "with a man who is not a teacher, she's going to marry that man, boom. And I don't think the marriage is going to be very good." Neither priests nor psychologists presume to be able to predict the relative consequences of premarital sexual relations with academic vs. non-academic partners; apparently, only English professors like Mr. Kerrigan are gifted with such precognizance.

Mr. Kerrigan thus presumes a speciously saintly air while indulging himself sexually. To comment upon one's sexual prowess in casual conversation (not to mention in print) is a mark of low character; to boast about bedding virgins is

beneath contempt. In earlier times, one of the "strong fathers" Mr. Kerrigan so dislikes would have punched this onanistic egoist squarely in the nose. With the equality of opportunity now afforded women, one of the strong mothers of a University of Massachusetts student may even now be speeding to Amherst with a pair of brass knuckles in her glove compartment.

Laura Morrow
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Louisiana State University
in Shreveport
Shreveport, LA

Have I seen it all now? Am I simply naive? Hopelessly old-fashioned? William Kerrigan's comments glorifying if not defending Don Juanism reveal an incredible lack of understanding of the power relationships between faculty and students. Indeed, much of the discussion I have seen lately in these pages suggests that self-discipline on the part of faculty, staff, and administrators when dealing with the sexual feelings of students or subordinates is not worthy of consideration. Sexual harassment policies seem, often as not, more intended to prevent potential litigation than to uphold any kind of moral tradition or community-based values. Inherently unequal power relations almost always call for the kinds of safeguards which protect all parties

involved from their own impetuosity, not to mention protecting coeds from the advances of Don Juans.

J. Samuel Isgett
Dean of the College
North Greenville College
Tigersville, SC

I have found myself vacillating on the subject of university policies on consensual relations. On the one hand, I believe such relations are totally unprofessional and a real abuse of power. On the other hand, our students should be treated as adults and allowed to make their own decisions.

After reading the item by William Kerrigan, however, there is absolutely no doubt in my mind about the necessity for such policies. As long as there are professors who share Professor Kerrigan's commitment to assist a female student "who, for one reason or another, has unnaturally prolonged her virginity," there is a need for university policy addressing consensual relations.

Joan Apple Lemoine
Dean of Student Affairs
Western Connecticut State University
Danbury, CT

I have been an avid reader of *The Chronicle* for some years now. So, when I saw what purported to be an excerpt from an

article in *Harper's Magazine* by or about one William Kerrigan, professor of English at the University of Massachusetts at Amherst ("'Positive' Instances of Sex Between Students and Professors," *Melange*, September 22), I thought to myself, "An English professor from Amherst writing about his magnanimity in relieving hapless female students of their virginity? Preposterous! Just how gullible do they think I am? Look at the language. Why, my 15-year-old daughter can make it through seven paragraphs without resorting to run-on sentences or ending one with a preposition. Moreover, would such a learned man write, 'And if she loses that virginity with a man who is not a teacher, she's going to marry that man, boom.' Boom? Impossible!"

That noted and my faith in purveyors of higher education restored, I went about my work week much relieved.

As the week progressed, however, I began to experience some nagging doubts concerning my hoax theory. After all, I hadn't read the article in *Harper's*. It was still barely possible that such an avowed embodiment of *The Lecherous Professor* could truly exist within Amherst's hallowed halls. The doubts persisted until finally I could bear it no longer. I had to know.

I gobbled down lunch and headed for the library. With shaking fingers I opened the September issue of *Harper's*. There it was. I began to read. It appeared that Mr.

Kerrigan's quoted statement was part of a dialogue among a group of four academics opposed to a ban on student-professor "romances." Well, that much was a relief. Mr. Kerrigan's remarks were verbal and not written, giving rise to the hope that he may, indeed, write better than he speaks.

I read on, growing more depressed by the moment. Are those of us working to warm the chilly climate for women on college campuses doomed to have our message fall on deaf ears? Clearly there are highly placed academics who still don't get it--who can't or won't see how inherently power-laden these "romances" are.

Disheartened, I finished the article and then read it again, looking for a glimmer of hope. I found it in the response of Leon Botstein, president of Bard College, to Mr. Kerrigan. Bear in mind that Mr. Botstein, like Mr. Kerrigan, opposes such a ban. "What comes to my mind is . . . a sense of relief that you're not on the faculty at my college."

Me too, Mr. Botstein. Me, too.

Mara H. Wasburn

Director of Development and Alumni Relations

School of Nursing

Member of Executive Board

Council on Status of Women at Purdue

Burkean Analysis

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Purdue University

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I would like to thank you for the wonderful parody of the lecherous professor in the September 22 issue. While verging on caricature, the "professor's" impenetrable conceit and monumental selfishness, his self-righteous horror at "sex for grades," and his pompous justification of his taste for virgins with patronizing pseudo-psychology like "unnaturally prolonged virginity" make the case for forcibly separating students from professors far better than any calmly worded argument could. . .

S. E. Zillman

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A key point is getting lost, I think, in the badgering of William Kerrigan for his now-notorious remarks about sex on campus ("'Positive' Instances of Sex Between Students and Professors," *Melange*, September 22; 'In' Box, October 6; "Dissent From Professor's Views on Sex With Students," *Letters to the Editor*, October 13).

The point is this: Those who know Kerrigan's position from sources outside the *Harper's Magazine* interview know that he has always seen himself as a spokesman for a tradition associated with such writers as D. H. Lawrence, Henry Miller, and Norman Mailer. (Nor is this for him a tradition of merely male sexuality; See his laudatory review-essay of

Camille Paglia's *Sexual Personae* in *Raritan: A Quarterly Review*.)

As it happens, this point of view is one with which I myself deeply disagree, just as I disagree with, say, the lesbian separatism of some of my feminist friends. But it is genuinely an intellectual position, developed from consistent premises and drawing on a variety of literary and philosophical sources. Kerrigan's *Harper's* remarks seem to me to be, in short, exactly analogous to Catherine MacKinnon's recent argument in *Only Words*, another example of a consciously provocative position with which I find myself in deep disagreement.

The MacKinnon example makes it particularly obvious that a double standard is in operation. MacKinnon's book has been highly controversial, but she has not been personally hounded in the way Kerrigan has. The faculty of Michigan Law School has not convened in solemn assembly to dissociate itself from her, for instance--as did the faculty senate of the University of Massachusetts at Amherst in Kerrigan's case--nor has she repeatedly been hauled before administrators and made to "explain her position."

I know the counterargument: Kerrigan's argument implies certain actions that raise questions of "propriety," "abuse of authority," etc. But MacKinnon's argument implies actions as well: To implement the policy argued for in *Only*

Words would be to institute social and legal changes in the United States of a magnitude unknown since Prohibition and, according to various informed legal commentators (Ronald Dworkin, Richard Posner), more harmful to the rights of more people.

Both Kerrigan and MacKinnon, in short, seem to me to raise issues where the principle of intellectual freedom ultimately trumps all lesser objections and where, though outrage is perfectly in order--writers like Paglia, Kerrigan, and MacKinnon specialize in outrage, and do so for a reason--the idea of persecution of the person making the argument is wholly out of order. The national kangaroo court currently sitting on the Kerrigan case should go into permanent recess.

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