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Feudalism, meritocracy and sexual harassment

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Feudalismo, meritocracia y acoso sexual

Resumen

La literatura científica ha clarificado que los contextos de relaciones de poder más intensas favorecen el acoso sexual y la impunidad. Este artículo, presenta los resultados de una investigación que ha analizado una legislación destinada a combatir el acoso sexual que precedió en 6 meses en la selección y evaluación del profesorado. La metodología de investigación comunicativa ha seguido los criterios de impacto social y creación, que actualmente son requisitos del programa de investigación de la Unión Europea. También, se han realizado dieciséis entrevistas, doce a profesorado que lideraron las investigaciones que dieron origen a esas reformas y tres a víctimas que consiguieron transformarse en supervivientes. El resultado demuestra una afirmación compartida por todas las personas entrevistadas: la aprobación de la legislación contra el acoso sexual debilitó las relaciones feudales dentro de las universidades y concienció a miembros del parlamento español sobre la necesidad de superar esas relaciones a través de una evaluación meritocrática. Este resultado, puede contribuir a un doble proceso, que desde los feminismos se apoyen las reformas democráticas y sociales de las universidades y que quienes elaboran las políticas científicas sepan que garantizando la igualdad de género y superación del acoso sexual, se fomenta la productividad científica.

Palabras clave: Universidad, acoso, ciencia, transformación.

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Abstract

Scientific literature has clarified that the contexts of more intense power relations favor sexual harassment and impunity. This article presents the results of a research that has analyzed a legislation aimed at combating sexual harassment that preceded six months earlier the selection and evaluation of faculty. The communicative research methodology followed the criteria of social impact and creation, which are currently required by the European Union research program. In addition to a documentary review, sixteen interviews were conducted, twelve with teachers who led the research that gave rise to these reforms and three with victims who managed to become survivors. The result shows an affirmation shared by all interviewees: the passing of legislation against sexual harassment weakened feudal relationships within universities and made members of the Spanish parliament aware of the need to overcome these relationships through meritocratic evaluation. This result can contribute to a twofold process: that feminisms support democratic and social reforms in universities and that those who elaborate scientific policies know that guaranteeing gender equality and overcoming sexual harassment is the way to promote scientific productivity

Keywords: University, harassment, science, transformation.

The two most profound reforms that have had the greatest impact on science and society in Spanish universities are those aimed at overcoming harassment, the first, and evaluating faculty on merit, the second. Despite more than forty years of democracy, both reforms were carried out in the same year 2007, only six months apart and with the same parliament and government. There are those who claim that this was pure coincidence and even hide this temporal coincidence to the point that nothing was published about it, not even in the scientific literature. It is fully accepted that science, in order to improve, must also reflect on itself and its own history. For this reason we decided to initiate this reflection and research.

State of the Art

Both the social sciences and humanities in general, as well as feminism, have made necessary and radical critiques of meritocracy. One of our contributions has been to reveal how, behind what is considered objective merit, racist and classist sexist discriminations are hidden. However, part of this scientific/critical literature ignores or hides the fact that feudalism is even worse than meritocracy itself, including, among other things, servitude and the *droit du seigneur* (Flecha, 2008; Iñiguez-Berrozpe & Burgués de Freitas, 2013).

It is therefore not surprising that in 2007 the two most important reforms of Spanish universities coincide. On April 12 (Ley 4, 2007), the Spanish parliament approved the obligation of universities to recognize sexual harassment in academia and take measures to overcome it despite the fact that the universities (Puigvert et al., 2019), with the CRUE at the head, not only refused to recognize it, but said that it did not exist and that to say otherwise was to discredit the universities and even threatened to expel those who were breaking the silence. On October 5 (Real Decreto 1312, 2007), the change from the feudal system of faculty selection and promotion to the meritocratic system was published (Joanpere et al., 2022). Nor is it strange that the research group that carried out the R&D study that led to these two reforms (Valls et al., 2016) had proposed from the beginning that the two had to go hand in hand since it was not possible to go one without the other.

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Until 2007, the professors who dominated each area of knowledge arbitrarily decided who was hired and who was not, who was promoted and who was not (Flecha, 2022). There were very significant sayings at the time: "if I want, I'll make a lamppost a professor" or "the smart one must be removed". It is not surprising that until then there was absolute silence and total submission to the sexual harassment exercised and maintained by a few of those professors who exercised a new *droit du seigneur* and by all the professors, who in the less bad cases, kept silent about them (Gómez-González et al., 2022).

On October 5, 2007, the previous system was replaced by a meritocratic system called accreditations, which in the following years has been specifying and even quantifying even more the merits required for the selection and promotion of university professors. If before a key criterion for recruitment was submission in all senses to the professor, in this ecosystem, the key criterion was the publication of the knowledge researched in such a way that it was validated by the international scientific community (Joanpere et al., 2022). In other words, in the past, a researcher who had rebelled against the professor's harassment would get a zero when her article published in Cambridge was evaluated, while a researcher who was submissive would get a ten for an article published in the professor's journal. The system was justified by saying that it was not necessary to take into account where it was published and whether it had citations or not, but the qualitative evaluation of its content. In many cases, the public attending a competitive examination to occupy a civil service position for life at the university could see how the panel made its evaluation one minute after receiving the publications of the candidates, without even opening the first pages. On the other hand, in our university system, for example, in the evaluation of the six-year periods, a single evaluator has to evaluate hundreds, and if they had to read their publications to qualitatively evaluate their content, they would have to spend several years doing so.

This feudalism not only guaranteed impunity for sexual harassment and intellectual mediocrity, but also participation in this great collective hypocrisy. Its replacement by the meritocratic system ensured that the selection and promotion of professors was made by a procedure that was less and less in the hands of harassing professors and more and more in the hands

of scientific research and publications. Thus began a process of progressive advancement against the impunity of sexual harassment in academia and an improvement in the scientific productivity and international presence of our universities.

Methodology

The communicative methodology (Soler-Gallart & Flecha, 2022) used not only has a great international validation, but it has also been the promoter of the two main criteria of the European research program Horizon Europe and other international scientific programs: co-creation and social impact (Flecha et al., 2018). Co-creation has not only been limited to co-creating the knowledge presented here, but also the people interviewed here have seen versions of this article also expressing their contributions in this regard. Furthermore, the research and the article have been carried out looking for its social impact (Aiello et al., 2021; Reale et al., 2018), its contribution to overcoming sexual harassment and improving university excellence, actions oriented to development goals 4 and 5 of the United Nations (United Nations, n.d.).

During the research process, both scientific literature and documentation from governments, parliaments and social movements have been analyzed, with special attention to those of MeToo University (Joanpere et al., 2022). Moreover, sixteen interviews were conducted, thirteen with professors who led the research that gave rise to these reforms and three with victims who managed to become survivors. The first were asked the following questions: "The obligation to take measures in Spanish universities was approved in April 2007 and on October 5, 2007 the meritocratic reform of universities was approved, 1) Was this double objective in the intention of those who promoted them because you thought they were only possible if they went together? 2)

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Participant (pseudonym)	Ages	Condition
Luisa	≥50	Survivor
María	≥40	Professor
Júlia	≥30	Survivor
Mónica	≤40	Professor
Pilar	≥50	Professor
Adela	≥40	Professor
Sofía	≥30	Survivor
Sara	≥60	Professor
Macarena	≤30	Professor
Mariana	≥40	Professor
Isabel	≥50	Professor
Valeria	≥40	Professor
Emma	≥40	Professor
Julio	≥70	Professor
Martina	≥40	Professor
Héctor	≥40	Professor

Is it a coincidence that they went together in the same year or did one influence the other? The surviving victims were asked only the second question.

Results of the Interview and an illustrative case

They all agree that the researchers who led the anti-harassment reform and co-led the meritocratic reform saw them as closely linked, they believed that one precipitated the other, they set out to achieve this simultaneity and they did it in an interval of only six months. The following words are spoken by Luisa, one of the main researchers who led the process:

Of course both reforms were on the target...it is no coincidence that they were approved in the same year because the legislators saw clear evidence and arguments. They understood that without transforming those feudal power relations it was impossible to move forward in overcoming harassment. (Luisa)

Here are the words of Maria, one of the participants in the promotion of this transformation:

The people who promoted it knew perfectly well the relationship between one objective and the other, given that we are talking about the most expert people in gender violence worldwide, with in-depth knowledge of the scientific literature on the subject and of the actions that had given the best results up to that moment in the best universities in the world, such as Harvard, showing that only in a deeply meritocratic university can gender violence be ended. (Maria)

Those who were victims and are now survivors also agree with this analysis, which they consider very clear. Júlia says:

I have no doubt that this is no coincidence, both laws were presented and approved in a context and at a time in history when Spanish universities were urging for mechanisms that could put an end to the impunity of harassers. A pioneering research had already shown that the victims of sexual harassment in Spanish universities were totally unprotected, this is directly related to both laws; on the one hand the need to implement protocols and efficient mechanisms to act in cases of harassment and secondly the need to establish objective mechanisms to ensure that all victims and people who had reported sexual harassment in the university

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environment could develop their academic careers depending solely on their curricular merits and not on the finger of feudal professors who wanted to maintain their position of power. The law that opened the debate on meritocracy broke with centuries of imposed silences. For these two reasons, I consider that the approval of one law after another responded to the demands of all those who wanted to create a model of a university that was internationally competent and therefore free of any kind of harassment or discrimination. (Júlia)

One of the promoters of MeToo University graphically specifies the aforementioned linkage:

The omertá, the law of silence that occurs around cases of gender violence in universities can only be broken if your place depends on your own quantifiable merits and not on the qualitative criteria of a professor who may be exercising harassment. (Mónica)

One of the principal investigators at the beginning of the process specifies the answer in her own situation:

At that time I was a Ramón y Cajal researcher, I am from the second promotion in Spain of Ramón y Cajal, I had just arrived from Harvard. I was very clear that without the meritocracy of the Ramón y Cajal program it would have been impossible to enter Spanish universities without submitting to the feudal lords of the department, even coming from the best universities in the world. (Pilar)

The first victim who was denied the scholarship she had won in a public competition for supporting victims and who is now a survivor and winner as she began her evaluation on merit and not on submission stated:

When we started the fight against gender violence in the university context one of the objectives is to work to eliminate all those elements (...) that allowed (...) exercise of power between people. (Adela)

The principal investigator of the first scientific research on gender violence in Spanish universities explains how the best way is to ensure that students who report harassment are not excluded from the university, but can continue with their careers.

Not having harassment in the university has to do with the fact that people, women or men who receive harassment must have a way out with meritocratic criteria because otherwise it will continue to be a feudal university and the harassers will continue to have power. (Sara)

Sofía, victim and now survivor, of the most harasser full professor says:

The meritocratic reform that I remember people talking about at the time helped us in some ways so that some of us victims of gender-based violence at the University could explain our cases to someone knowing that we could still have university careers and good academic careers even if we spoke out against a professor and full professors with power who had harassed us. (Sofía)

One of the first promoters of the process clarifies:

"The radical rejection of the universities to the first formal complaint in 1995 makes it clear that it was impossible to overcome sexual harassment in the academia without a meritocratic and social reform of the evaluation of professors. Since this moment and during years, we were preparing both reforms at the same time and for this reason we continued after 2007 to orient those reforms towards the social impact. (Julio)

Particularly relevant is one of the cases. Mariana tells the story of her own trajectory. As a doctoral student she participated in the transformation process, which meant not being accepted at her university for twelve years, she applied for associate positions at the university in another city. After she had been teaching excellently for some time and had achieved a curriculum with scientific articles with many citations and in high-level indexed journals, her new university decided to offer her a position as a doctoral

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assistant, so that she could apply for a competition and thus have a possible option of a full-time position.

The feudal lords of her department and faculty decided to give a final twist to the isolating gender violence (Vidu et al., 2021) they were doing against her. The university assigned to the position the profile of teaching on gender issues that the degree needed and in which she was the specialist, since she was the one who was doing, in a precarious situation, that same function. However, they put the tribunal of feudal lords to ensure that they were not going to give her the position, but to another candidate from outside the university that they sought for this occasion.

Mariana at that time had already published 22 articles in Web of Science journals that had 62 citations. The other candidate had 0 indexed articles and 0 citations. However, the panel unanimously made what the feudals refer to as a qualitative assessment of the contributions, dictating that this candidate was of a much higher quality than Mariana. It is very common that between the delivery of all the publications of all the candidates (who sometimes bring them in trolleys) and the start of the tests less than an hour passes so that everyone is clear that "the qualitative assessment of the contributions" is done without even opening the publications.

Of course, the tribunal decided unanimously to give this candidate the position, so Mariana stopped having any kind of contract in that university and looked for a job outside the academy. The new university professor introduced himself in his new class saying that he had no mastery of gender issues and needed some time to catch up to be able to teach the class. It is often said that the problem of the Spanish university is endogamy, that "the candidates from within always win, preventing the incorporation of other more excellent candidates who come from outside". On the one hand, these statements are not true, as this and many other cases demonstrate. If the insider has not submitted to harassment and supported the harassed victims, the outsider wins the contest; the problem is not endogamy, it is feudalism. On the other hand, these false claims facilitate impunity for sexual harassment in academia. The decision of that court was publicly celebrated by the feudal lords and their submissives as an exemplary case where the excellent outsider had beaten the non-excellent insider.

Over the next few years, feudalism continued to recede and not only meritocracy continued to advance, but also a new social model, which in addition to scientific impact, now evaluated transfer and social impact, i.e., the improvement of society. Thanks to this change, in Mariana's old department, meritocratic and social criteria were established for the selection of new associate professors and Mariana won one of these precarious positions. She already had a scientific curriculum that, measured by meritocratic criteria, was superior to that of some of the full professors and some of the associate professors. In this way, she was able to win a competition to obtain a permanent position at the university of her city, which years before had closed its doors to her forever.

Discussion

History done well, with scientific evidence and taking into account the voices of the people, provides options for reflection. In this way, they contribute to building our present and our future. It is a pity for science and for society that sometimes historical analyses of relevant events are not carried out until those who played a leading role in them have disappeared. This makes it impossible to collect their voices directly, limiting ourselves to documentary analysis and secondary voices. We consider that the results obtained here must be completed or even refuted by further studies. In any case, our research is the first published on this specific fact and, as such, it will have not only a scientific, but also a social and political impact on the near future of Spanish universities.

These provisional results should be increasingly taken into account by all those persons, groups and policies that really want to move towards a progressive decrease in the frequency and intensity of sexual harassment in universities. Any attempt against meritocratic criteria that call qualitative evaluation of contributions instead of citations carried out in practice without the time to open the publications thus reveals its consequence in the lamentation of sexual harassment and impunity in the face of it.

Meritocracy is no panacea. We have already commented at the beginning of this article on the very fair and accurate criticisms we have made from feminism and the social sciences of the concealment of sexism, classism and racism by a supposed neutrality of data on merit. Progress must be made,

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and is being made, towards a social model of evaluation that surpasses the meritocratic model by placing in the foreground the priority of the social pact, of social improvements, as defined by society itself in the form of human rights and sustainable development goals.

Nevertheless, most of the current criticism against meritocracy does not include the alternative of improving it with a social approach. In fact, it gives no alternative or proposes a qualitative evaluation of the content under conditions that make it impossible. Thus, only pseudoscience is favored while harming society and science at the same time.

Conclusions

In the absence of new studies with other people and different contexts to confirm or validate the results of this research, we can affirm that in this first published work a very relevant result for science and for society emerges. All the people interviewed agree that there was no coincidence but causality in the fact that the two mentioned reforms took place in the same year. In any feudal functioning, new forms *droit du seigneur* and obstacles to productivity reappear. The feudal functioning of many universities was based on a selection of faculty that frequently excluded the scientifically most brilliant people and subjected them to silence in the face of sexual harassment. This result has a great social impact for the betterment of society and for our universities.

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