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Sagy, Tehila

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# STUDENT ESSAY

## **“YOUR COMFORT IS MY SILENCE”<sup>1</sup>: THE FIRST ISRAELI SEXUAL HARASSMENT HOT LINE<sup>2</sup>**

Tehila Sagy

### ABSTRACT

This article describes the experience of Tel Aviv University students starting Israel's first sexual harassment hotline. The article describes the problem of sexual harassment in Israeli culture, depicts the barriers faced by the founders of the hotline, and examines the feminist theoretical underpinnings of the sexual harassment hotline within Israeli culture.

### INTRODUCTION

“Women are emancipated in the colleges and parliaments, but still viewed as an object for enjoyment. It is enough to teach her in the manner she is taught by us and in which she regularly views herself, and she will forever remain an inferior creature.”<sup>3</sup>

This article will portray the Support and Information Hotline for Sexual Harassment Victims in Tel Aviv University as a practice of dealing with sexual harassment in Israeli society.<sup>4</sup>

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1. Barbara Kruger, Untitled, 1981.

2. I would like to thank Professor Frances Olsen for her encouragement and support, and Professor Steve Wizner for his valuable comments and never ending patience. I would also like to thank Ilana Szobel for her useful comments and her cooperation. Mostly, I would like to thank Eric Sapp, for his endless support and for his generous, enormously helpful and always intelligent reading of this article.

3. LEO TOLSTOY, *The Kreutzer Sonata*, GREAT SHORT WORKS OF LEO TOLSTOY 353-451 (Isai Kamen trans., Modern Library 2003).

4. The Hotline was founded in 2000 as an independent initiative of this article's author, a graduate of Tel Aviv University's Law School and Comparative Literature Department and of Ilana Szobel, a graduate student in Tel Aviv University's Hebrew Literature Department and a member of the University's junior staff.

Sexual harassment, although a worldwide phenomenon, is part of a cultural context. Therefore, this article will discuss sexual harassment in its Israeli context. The article will focus on sexual harassment in the Israeli society prior to the passage of Anti Sexual Harassment legislation in 1998 as the social-cultural background for the creation of the Hotline. The article will also discuss the formative stages of the Hotline: the underlying social philosophy, the process of shaping the Hotline, and its current and future operation.

#### SEXUAL HARASSMENT AS A PERSONAL EXPERIENCE AND A SOCIAL PHENOMENON

Sexual harassment is a widespread social phenomenon, reflected in a variety of representations in canonical and popular culture.<sup>5</sup> Feminist discourse of the last thirty years has shed light on the masculine perspective sexual harassment norms are based upon and has proposed an alternate feminine approach that undermines the social legitimacy of the power structure embodied in these norms.<sup>6</sup> The Israeli Prevention of Sexual Harassment Law (1998)<sup>7</sup> is an expression of the refusal to be subjected to the male value-system and an active attempt to provide a voice to the female standpoint which experiences what is widely regarded as "courting" - as harassment.

Sexual harassment has a dual nature: it harms its victims on a personal level (emotionally, economically, socially, etc.) and it acts as a central social control mechanism created by the power struggle between men and women. Any concrete incident of sexual harassment reflects and establishes the social structure that

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5. Some prominent examples are found in literature: the relationship between Steva and the governess in LEO TOLSTOY, *ANNA KARENINA*, (Constance Garnett trans., Leonard J. Kent & Nina Nikolaevna Berberova eds., Modern Library 2000); the relationship between Jane Eyre in the role of the governess and Mr. Edward Rochester, the children's father, in CHARLOTTE BRONTE, *JANE EYRE* (Signet Classic 1997). In film: the relationship between the Governess Maria and Captain von Trapp, the children's father, in *THE SOUND OF MUSIC* (Twentieth Century Fox 1965). See also BRIDGET JONES'S DIARY (Miramax Films 2001), NOCE BLANCHE (Films of the Rhombus 1989). In theatre: The relationship between Eliza Doolittle and Henry Higgins in Bernard Shaw's *MY FAIR LADY* (Warner Bros. 1964). In life - in the famous relationships between the artists Roden and Kami Klodel.

6. See generally CATHARINE A. MACKINNON, *SEXUAL HARASSMENT OF WORKING WOMEN* (1979), Vicki Schultz, *Reconceptualizing Sexual Harassment*, 107 *YALE L.J.* 1683 (1998); Judith J. Johnson, *License to Harass Women: Requiring Hostile Environment Sexual Harassment to be "Severe or Pervasive" Discriminates Among "Terms and Conditions" of Employment*, 62 *MD. L. REV.* 85 (2003).

7. Prevention of Sexual Harassment Law, 5758 - 1998, S.H. (p).

positions men in roles of power and women in roles of weakness and vulnerability. According to MacKinnon:

To take this approach does not mean that the same things must happen (or feel the same) to each and every woman, or happen to each victim in the same way. It does mean that the factors that explain and comprise the experience of sexual harassment characterize all women's situation in one way or another, not only that of direct victims of the practice. It is this level of commonality that makes sexual harassment a women's experience, not merely an experience of a series of individuals who happen to be of the female sex. Ultimately, to me, this is also what makes sexual harassment sex discrimination.<sup>8</sup>

Any particular incident of sexual harassment takes its toll on the attempt of women to escape the "sexual object" role they are relegated to by society because the harassment echoes and multiplies the patriarchal stereotypes and is a result of gender power relations. As a woman educated within a patriarchal society, the sexual harassment victim identifies the stereotypes used against her as an attempt to enclose her in the inferior space to which she has been assigned and from which she is attempting to break free.<sup>9</sup> Therefore, the particular incident is forever part of the social order based on a stereotypical-discriminatory regard of women and men in society. Additionally, sexual harassment is always doubly oppressive: it is an oppressive act in itself and also an indirect mechanism enabling additional oppression by reinforcing patriarchy. Therefore, sexual harassment is open to dual readings in space and time: it occurs in an enclosed space (a campus, for instance), but taps into and affects an external space; it occurs in the present but has roots in past norms and also affects the future.

#### THE ISRAELI CONTEXT: ISRAEL AS A RECRUITED SOCIETY

The Prevention of Sexual Harassment Law (1998) introduced the concept of sexual harassment to the Israeli legal system over twenty years after<sup>10</sup> U.S. courts recognized sexual

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8. MACKINNON, *supra* note 6, at xiii.

9. Orit Kamir, *Sexual Harassment: Sex Discrimination, or an Injury to Human Dignity*, 29 MISHPATIM 317, 379 (1998).

10. As is often the case in Israel, the courts used the principles of the law before its official enactment, but not before it was certain that the law was "being cooked" and has good chances to be accepted. In the Ben Asher case (S.Ct. 6713/96 The State of Israel v. Zohar Ben Asher, 52(1) P.D. 650), for example, by the time the case reached the appeal the law was about to be enacted and was used as guidelines by the appeal judges.

harassment.<sup>11</sup> The delay in the Israeli legal system can be understood as a reflection of the still relatively marginal place of feminism in Israeli society, a society that emphasizes security issues and has by and large yet to develop a civil society:

We [Israeli society] are a distinctly militaristic society, and this militarism is also the central organizing principle around which the Israeli society moves, operates, sets its boundaries, its identity and rules of the game. . . . The militaristic spirit turns into an ideological, political and institutional organizing principal, and strategic considerations, defined as a "necessity" in terms of physical existence, receiving priority over all other considerations and goals. This approach, not only grants priority to security over all other social goals, but also strengthens the perceptions according to which in the political and social world, no alternatives exist to the militaristic approach, depicted as "pragmatic," rational, fitting a given socio-political "reality," and an existential necessity.<sup>12</sup>

Feminist issues are a part of a civil agenda and sexual harassment's delayed entrance into the Israeli discourse is inseparable from the feminist discourse's delayed entrance into public discourse.

In this social paradigm, the Israeli Army not only shapes the public discourse but also serves as an immanent part of the socialization process of generating notions of femininity and masculinity in Israel and of the structuring of gender relations. Although women are drafted into the army as part of the compulsory general draft, this does not diminish the unmistakable masculinity of this institution in which the male perspective defines the national security considerations and the manner by which they are dealt. Despite the compulsory presence of women, the military organization functions under an assumption that men possess the necessary capabilities, training and experience needed to handle security and define policy.<sup>13</sup> Women who serve in the Israeli Army, therefore, do not serve from a position of equality but rather from a position of inferiority. They are regarded as an accessory to the male military leadership and

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11. *Williams v. Saxbe*, 413 F. Supp. 654 (D.D.C. 1976); The legal grounds of sexual harassment law in the U.S. is Title VII of the Civil Rights Act of 1964. For a detailed history of the emergence of sexual harassment in U.S. context see (Jaimie Leaser, *The Casual Role of Sex in Sexual Harassment*, 88 CORNELL L. REV. 1750, 1753-58 (2003).

12. Baruch Kimmerling, *Militarism in the Israeli Society*, 54 THEORY & CRITICISM 123, 124 -31 (1993).

13. Dafna Izraeli, *Gendering of Israeli Military Service*, 14 THEORY & CRITICISM 29, 88 (1999).

viewed as not possessing independent leadership capabilities. As Izraeli notes,

The Israeli's Army gender regime, based on division of labor and a genderized power structure, eternalizes woman's spousal-auxiliary role. As a power structure and one of the most important organizing agents of gender relations, the Army enlarges gender differences and then uses them as justifications of both their initial establishment as well as the ongoing existence of inequality between the sexes.<sup>14</sup>

The military is a central arena for gender initiation both because the army is positioned at the head of the national hierarchy and because of the young age of the enlisted, which simplifies their absorption of gender values. The relations between the sexes, as manifested in the military practice, replicates itself in the civilian life. Men's advantage arising out of their military service amplifies as they enter the civil job market, relegating women to an inferior starting point. For instance, senior retired military officers with no relevant professional experience often enter high positions in the educational system, while women in education are consigned to inferior positions because military experience promotes men above women who have more relevant experience.

A condition for entering the discourse of rights in Israel is the prior acceptance of the values of the dominant group (Ashkenazi Jewish males).<sup>15</sup> Since security and the army are posed at the top of the value ladder of this group, any attempt to gain rights must be a part of a dual process beginning with the acceptance of security and militarism as core values and continuing with the demand for rights or for change on the basis of an affiliation with these values. Two prominent examples are *Alice Miller v. Minister of Security* and the "Four Mothers" group.<sup>16</sup>

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14. *Id.*

15. Ashkenazi are Jews of European origin, as opposed to Mizrahi, or Jews from Arab countries. Ashkenazi hold most positions of formal power in Israeli society.

16. Following the "Helicopter Disaster", involving the crash of two helicopters on their way to Southern Lebanon on February 4, 1997, in which 73 soldiers were killed, the "Four Mothers" group was founded by Rachel Ben-Dor, Miri Sela, Ronit Nachmias and Zohara Antebi – all mothers of soldiers serving in Lebanon and residents of northern Israel. Their movement attempted to protest the fact that the Israeli Government, which indicated a willingness to retreat from Southern Lebanon, had failed to do so during the subsequent twelve years. Additionally, the movement demanded a unilateral withdrawal from Southern Lebanon in accordance with Resolution 425 of the UN Security Council. Their group was joined by many Israelis, and prior to the withdrawal of the Israeli Defense Fund from Lebanon the group numbered a few hundred members with over 25,000 Israelis indicating their support

Jabareen notes this dimension of the *Alice Miller* case, which attempted to promote women by allowing them to be accepted to air cadet training. Jabareen claims the demand's underlying assumption was an acceptance and strengthening of the military discourse, which received legal backing (specifically from feminist organizations). The *Alice Miller* verdict strengthened the military discourse and maintained its masculine moral and hierarchical character.<sup>17</sup> The "Four Mothers" group used the only channel available for women for discussing security: the maternal voice. Only when speaking as mothers, and therefore without undermining the masculine-based structure of Israeli society, could the female voice sound on issues which are perceived as masculine, like security.

Considering the limitations of the Israeli society's channels of discourse, it is no coincidence that the three leading sexual harassment cases in Israel – the *Galili* case, the *Shefer* case, and the *Mordechai* case all dealt with military personnel and relationships inside the military<sup>18</sup>. Grounding sexual harassment discourse in the military context enabled the legitimate discussion of

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by signing the group's petition demanding a withdrawal. The "Four Mothers" movement became an influential factor in the Israeli public life. On April 1, 1998, the Prime Minister indicated public pressure as a reason which caused the government to change its policy and accept Resolution 425. See <http://www.4mothers.org.il/peilut/tnuat.htm>.

In H.C. 451/94 *Alice Miller v. Minister of Security*, 49(4) P.D. 94, the petitioner requested the High Court of Justice to obligate the IDF to allow her to apply for air cadet training. At the time, only males were allowed to apply. Following the court's acceptance of the petition, women have been able to undergo training as air cadets and serve as pilots in the Israeli Air Force.

17. Jabareen points out that the petition is problematic in the feministic context because it erases different feminine identities, specifically Palestinian femininity, as the petition's objective was to allow women to take part in a violent military occupation force. The female voice erased by this discourse undermines in his opinion the legitimacy of the struggle, as a feminist struggle aimed at strengthening Israeli civil society. The women of the dominant group use the term "women" while disregarding different identity components among women and the complex life experience of other women, creating a dominant discourse contributing to additional forms of suppression. In fact, highlighting the Army's importance as an entry card to Israeli society adds to the subordination of Palestinian women and strengthens the hierarchical structure between Jewish and Palestinian women. Hassan Jabareen, *Towards Critical Perspectives of the Palestinian Minority: Citizenship, Nationality and Feminism in Israeli Law*, 9 PLILIM 53 (2000).

18. The military structure is based on a system of extremely autocratic relationships, grounded in an environment where women are regarded as serving men. The combination of these two elements serves as fertile ground for sexual harassment to flourish. In the *Galili* Case, the Military Tribunal decided that Nir Galili, a senior military officer, who had sexually harassed a female soldier under his command should not be promoted. The military command decided to nevertheless promote

the same discourse outside the military context. As I have mentioned previously, in Israeli culture only issues that are filtered through the security prism receive public legitimacy. This may explain the delayed enactment of the Prevention of Sexual Harassment Law as well as how the lack of response in the third sector (such as the Information and Support Hotline for Sexual Harassment Victims in Tel Aviv University) came about.

#### THE ISRAELI LAW

The Prevention of Sexual Harassment Law defines sexual harassment as one of five different types of behavior: (1) extortion to commit an act of a sexual nature; (2) sexual misconduct; (3) repeated sexual offers to a person who has shown disinterest toward these offers; (4) repeated references to a person's sexuality toward a person who has shown disinterest toward these references; and (5) degrading or demeaning references to a person's sexuality or sexual preference. In authority relations, lack of consent is not required.<sup>19</sup> This law was a result of a joint effort by third sector organizations, government offices, legal experts, and female members of the Knesset (the Israeli legislative body).<sup>20</sup>

The law is based on the spirit of Professor MacKinnon's theory and has been adapted for the special needs of the Israeli society. For example, the law has been significantly influenced by the constitutional revolution Israel has undergone with the legislation of the Basic Law: Human Dignity and Freedom. As a result of the political balance in Israel, the Basic Law does not include the principle of equality. Therefore – as noted by Kamir, one of the law's leading drafters – the Israeli Prevention of Sexual Harassment law differs from American laws by defining sexual harassment as an infliction upon a person's dignity rather than the creation of an inequality.<sup>21</sup> Furthermore, planting the

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Galili. In H.C. 1284/99, a petition was filed to the High Court of Justice requesting that Galili's promotion be prevented.

In the Shefer case, a female soldier named Dana Moed complained that Yehuda Shefer, then a senior attorney in the State's Attorney's office and a high ranking reserve officer had sexually harassed her. In the Mordechai case, Itzhak Mordechai, a former General in the Israeli Military and later Minister of Defense and Minister of Transportation in the Israeli Government was charged with sexual assault and sexual harassment of three women who were under his command. Mordechai was found guilty of two counts of sexual assault of a female officer under his command and sexual assault of a political activist.

19. See generally sources cited *supra* note 5.

20. Prevention of Sexual Harassment Law, 5758 - 1998, S.H. (p)

21. *Id.*



law in the legal grounds of (infringement upon) human dignity and freedom takes a principled stand toward sexual harassment. The law attempts to portray the social values at the root of sexual harassment, the elements that define it and the damage that is caused by it.<sup>22</sup> It refers to the different expressions of sexual harassment (on the street, at the university, in psychotherapy, etc.), avoiding the focus on workplace harassment found in American jurisprudence.

The Israeli law makes a distinction between situations in which the harassor is seen as the sole responsible party for the harassment (psychotherapy, in public, etc.) and the workplace, where the Israeli law holds *both* employer and harassor responsible, allowing the victim to bring claims against either party. The employer is considered to be responsible for the (harassed) employee's right to dignity. Universities are defined as "employers" and are thus obligated by the law to take steps that will limit the occurrence of sexual harassment against students, professors, and staff, such as issuing a code of conduct relating to sexual harassment, as well as nominating a sexual harassment ombudsperson.

The Israeli Prevention of Sexual Harassment Law is an "educational law" in that it is based on the assumption that the social framework of Israeli society views sexual harassment as "normative behavior." This perception is echoed in the *Ben Asher* verdict,<sup>23</sup> in which the defendant claimed that

[A]s a teacher in an educational institution, he [the defendant] believes in an educational system that encourages physical proximity between teacher and students. Under this system, the teachers touch the students. This, so he claims, is an accepted and positive approach. This is why he personally applies this system in his capacity as an instructor of students studying toward a teaching degree. As a result, his touching the complainant was not of a sexual nature, and therefore cannot be considered sexual harassment.<sup>24</sup>

The Disciplinary Tribunal for State Employees, before which the complaint was initially brought, accepted these claims and acquitted the defendant.<sup>25</sup>

There remains a gap between feminist perspective as acknowledged by the law and the societal norms formed by the male perspective. As stated by Berkovitch, a double system of

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22. *Id.* at 359.

23. S.Ct. 6713/96 *The State of Israel v. Zohar Ben Asher*, 52(1) P.D. 650.

24. *Id.* at para. 28.

25. *Id.*

inclusion (by law) and exclusion (in practice) enables the simultaneous existence of advanced legislation promoting women's rights on one hand, and the marginalization of women on the other hand.<sup>26</sup> Sexual harassment is at the heart of the double mechanism, as harassment allows a situation in which women are able – by progressive legislation – to enter sites in which symbolic capital is amassed, but nevertheless fail to gain this capital. Thus, the progressive legislation may not change material reality. For example, laws may allow women to enter universities, but sexual harassment may still prevent them from succeeding on equal terms. The Prevention of Sexual Harassment Law “opens new manners of challenging the phenomenon of sexual harassment. . . legislation is nothing but written words, and will not affect social reality unless the public chooses to use it and give it effect.”<sup>27</sup>

The public discourse raised by the sexual harassment trials that preceded the passage of the law manifested a controversy with regard to a *moral* issue.<sup>28</sup> By setting out various levels of punishment, the law constructed the concept “sexual harassment” into a *legal* term bearing material consequences. There-

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26. Nitza Berkovitch, *Citizens and Mothers: The Status of Women in Israel*, in ISRAEL: FROM MOBILIZED TO CIVIL SOCIETY? 206 (Yoav Peled & Adi Ofir eds., Hakibutz Hameuchad 2001). Progressive anti-discrimination legislation enables women to enter universities but sexual harassment functions as a restraining element which guarantees that even though “on the paper” they can acquire the symbolic capital, they will not be able to acquire it de-facto.

27. Kamir, *supra* note 9.

28. The moral-controversial character of the public debate on the issue of sexual harassment was evident in the dilemmas regarding the categorization of behaviors falling within the definition of sexual harassment. Behavior such as caressing a student, a professor offering a student an intimate meeting (*Ben Asher*) or having an intimate relationship with a secretary (*Galili*) were examined within the vague criteria of “conduct befitting a civil employee/military officer,” without definite legislative boundaries. The category of “befitting conduct” was given content by moral standards, which is well known as a vague concept open for plural readings. The contention of *Ben Asher*, for instance, according to which caressing a student is part of an educational agenda and not sexual harassment, had space to exist within a legal system and public discourse which did not have a definitive concept of sexual harassment. In this meaning, the debate regarding sexual harassment was of a moral character as it held within it an ongoing social negotiation about accepted conduct. Like every moral debate, it lacked decision, and therefore allowed a range of views not including practical consequences, i.e. not leading to punishment. The debate included various views, all morally equal. The Anti Sexual Harassment Law excluded some of these views, such as the view of *Ben Asher*, from the legitimate range of views that may be carried out in Israel, and therefore changed the debate from a moral-personal decision to a political debate held regarding a determination by the legislative authority.

fore, the public discourse stirred up by the legislation and the subsequent verdicts were of a political nature, a struggle for giving effect to the female perspective over the predominant male social norms. The Hotline is a practical extension of the political-social discourse raised by the law. It attempts to bridge the gap between the prevailing norms in Israeli society and the law itself by enhancing dialogue and by providing women a support network to enable their voices to be heard.

### SEXUAL HARASSMENT IN UNIVERSITIES

#### *Patterns of Sexual Harassment*

Within the realm of the university, sexual harassment of all types is carried out. The extent of the phenomenon is visible both in the variety of offenders/victims and in the different types of harassment. The perpetrators and victims of harassment cross the boundaries of the university's hierarchy: junior and senior faculty, administrative staff, and students. As to the nature of the conduct, within the university both "quid pro quo" and "hostile environment" (to use MacKinnon's distinction) harassment are found.<sup>29</sup>

MacKinnon states that both practices serve the perpetuation of the patriarchal patterns in different forms. "Quid pro quo" harassment is more common in workplaces where the employee carries out traditionally female tasks (teacher, nurse, receptionist – pink collar). In these workplaces men mostly function as managers or supervisors and within the double hierarchy view the worker's sexuality as an immanent part of her professional skills.

Kamir suggests viewing any sexual harassment as harassment of the "hostile environment" type, of which "quid pro quo" behavior is one of its many manifestations. She reasons that

A sexual demand accompanied by a threat – that is, quid pro quo type harassment – creates a hostile working environment for the worker that may harm her professional performance on the job. Additionally, many if not all 'hostile environment'

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29. MacKinnon distinguishes between two types of widespread workplace harassment: "quid pro quo" harassment, an implied or express offer of an exchange to an employee of an adverse change or improvement in the conditions of employment depending on whether sexual favors are granted, and "hostile environment" harassment, sexual harassment expressed in different manners with a single objective, namely the creation of a work environment which is centered around a woman's sexuality rather than her professional abilities. These may be expressed in various behaviors— sexist pictures in the workplace, sexist remarks and limiting the promotion of women due to misogynistic-racist considerations.

harassments carry in fact an overt or underlying threat, implying that if the worker will not 'agree' to the demand or 'cooperate' with it she will suffer negative results.<sup>30</sup>

The patterns of sexual harassment in the university largely conform to the patterns of sexual harassment within labor relations. This is evident both in the harassment patterns (as described above), and in the significant element of authority-relations on which the hierarchic university structure is based. The authority-relations in the university should be viewed from both a practical and a fundamental aspect. On the practical plane, the bearer of the power has significant influence on the career of his underlings (grades, recommendations, etc.), and on the fundamental plane there is the authority of the knowledgeable over those who seek knowledge. Despite the similarity between the workplace environment and the university environment, the effects of the common patterns are different because of the unique characteristics of Israeli university life.

### *Sexual Harassment as a Restraining Element*

In Israel, the military and the academy are the two main tracks to positions of power in society. The army enlists women to its service but serves as a significant springboard for men only. Therefore, the main path women have for advancement is attaining a formal university education. The university is a key first-step in a woman's advancement and empowerment and in her ability to attain social influence. The implications of harming this important stage of development are particularly significant for women who are not allowed any other course of development by Israeli society; therefore the damage caused by sexual harassment toward women in the realm of the university significantly influences their lives outside this realm.<sup>31</sup>

The cultural dichotomy between body and spirit (between mind and matter; nature and culture; the transcendent and immanent) supposes a gender parallel within which women are identified with the material and men with the spiritual. This position is challenged every time a woman begins her academic track, on

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30. Kamir, *supra* note 9, at 349-52.

31. My focus on the university and its significance to the development of a sense of self is deeply inspired by the work of Professor Vicki Schultz. See Vicki Schultz, *Life's Work*, 100 COLUM. L. REV. 1881 (2000). Professor Schultz has also inspired some of the doubts that arose in us with regard to the Dominance Feminism's preception of sexual harassment, namely its over and under inclusiveness. See Vicki Schultz, *Reconceptualizing Sexual Harassment*, 107 YALE L.J. 1683 (1998).

her way to a blurring of the distinction between the two and her recreation as a subject defining itself by intellect and not by its sexuality. University studies demand extra effort from women, because women are neither educated nor trained to understand themselves through their intellect. Therefore, sexual harassment is a manner of damaging the creation of this female identity.

It should be clarified that because of the authority relations in the university realm, even in a situation where a victim "consents" to the relationship between her and the powerful figure, the above-mentioned dichotomy is duplicated. The Israeli law acknowledges it by not accepting the concept of consent within the framework of authority relations. In her article *The Difference In Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*,<sup>32</sup> West describes the psychological mechanism of the powerless in a sexual harassment situation. Her argument begins with the assertion of a gender-specific suffering which women undergo and are systematically excluded from the public discourse or, alternatively, trivialized in the predominant male culture.<sup>33</sup> Also, much of women's suffering is perceived to be consensual. In the framework of the liberal formula, the individual's choice is viewed as reflecting her judgment regarding the action that will best fulfill her will. Consequently, the individual's choice equals what the individual considers as best for herself. Alas, women are educated to satisfy others and serve their wills. Thus, the liberal consent ethic, which supposes a basically egocentric subject and an essentially egocentric consensual act, harms women significantly.<sup>34</sup>

West argues that a prevalent method of women to deal with the on-going fear of men's violence (domestic violence, "dating", rape - marital and strangers, street hassle) and potential violence is by developing a "giving self": "the cluster of "other-regarding", other-pleasing motivations that rule these women's ac-

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32. Robin L. West, *The Difference in Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 3 WIS. WOMEN'S L.J. 81 (1987).

33. *Id.* at 81-83.

34. *Id.* at 90-93. It is important to note that West rejects Radical Feminism as well. She argues that both liberal and radical feminists do not pay enough attention to feminism, and pay too much attention to their "mother theory", i.e., liberalism and radicalism. Both accept a certain perception of human nature from their "mother theory" and miss the fact that this human nature does not embody women's experiences. Based on that false concept they claim, according to West, a correlation between an objective condition (choices, power) and a subjective reality which does not apply to women. This lack of accounting of what West define as "women's subjective, hedonic lives" works against women's real interest. *Id.*

tions.”<sup>35</sup> West use this term “so as to distinguish it from the “liberal self”: the cluster of self-regarding “rational” motivations presumed by liberal legalism.”<sup>36</sup> The “giving self”, according to West, is a defense mechanism women develop in order to construct an understanding of reality that does not put them in constant fear. For example, by defining themselves as givers of sex, women avoid becoming those whom sex has been taken from. And so, instead of defining themselves as women who are in danger, as women whose boundaries were transgressed, they force themselves into the familiar liberal categories that enable them to partake in what is considered positive in a liberal society: I was not forced into having sex with that man nor will I be forced because I choose to give my sex to him. I am not motivated by my pleasure but by the pleasure of others - I am a giving self. By giving up her right for pleasure, her ability to say “no”, and by conceptualizing herself as choosing/giving the woman gains her “safety” and a manageable concept of reality. She also gains an understanding of herself as a choosing person – a vital condition, according to liberalism at least, for humanism. In West’s words: “Women define themselves as “giving selves” so as to obviate the threat, the danger, the pain and the fear of being self-regarding selves from whom their sexuality is taken.”<sup>37</sup>

To illustrate her critique of liberal feminism, West is using the case of “consensual” relationships between female students and their “superiors” in the context of academic hierarchy. I would like to draw on West’s analysis of this phenomenon in order to explain why sexual harassment, as defined by Israeli law (one of the definitions of sexual harassment is a proposition of a sexual character made by an authoritative person to their inferior, even when the person addressed did not express their lack of interest), is a restraining element to women in universities.

West notes that liberal feminism is inclined to oppose a “quid pro quo” harassment, because in these situations there is no free consent. This liberal reading of a radical insight completely misses the essence of the concept of sexual harassment, which rejects the notion of consent in inter-gender relationships.<sup>38</sup> But the most significantly damaging situations for fe-

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35. *Id.* at 93.

36. *Id.*

37. *Id.* at 94.

38. *Id.* at 109. West claims that the liberal reading “misses the mark” of the radical concept but does not explain how exactly. My understanding is that radical

males in the university are excluded from the liberal definitions, i.e., situations falling outside of the "quid pro quo" category. The most complex damage in this regard results from "fully consensual" romantic relations between students and professors or assistant professors.<sup>39</sup>

According to West, male students experience themselves, among other things, as young intellectuals. They will often relate to a brilliant professor and attempt to be like him. A female student, who is self-defined as a "giving self," can also do so but this is a less common situation. Most often, she will strive not to be like the professor, but rather to give herself to him. She will look for recognition and praise by offering her sexuality.<sup>40</sup> She can be talented and intellectual and even experience herself as such, but defining herself as an intellectual is an action that can lead to an inner battle. Her self-definition as a giving self in the sexual respect is in constant competition with a self-definition as an intellectual self. The intellectual self fights the giving self both in the external and the internal reality. For the student seeking recognition for her definition as an intellectual, the professor is in a position of power to affirm for her one of her conflicting self-definitions. By accepting her sexual "offering," he puts an end to her inner struggle.<sup>41</sup>

The described mechanism destroys, so claims West, the self-confidence of the student that experiences it, as she needs to regard the professor as superior to her so that her life of "service" with him will be deemed valuable in her own eyes. When she is privy to his intellectual limitations, she must lower her sense of self-value so that his superiority is maintained. This mechanism has a circular potential, as the professor's affirmation of her self-definition of a sexually giving self excludes her from the academic (intellectual) realm. She thus loses her ability to be employed in an occupation that uses her intellectual abilities (since she does not complete her academic education), and this, in return, fosters her lack of self-confidence.<sup>42</sup>

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feminism (in its extreme) rejects any ability to consent in the situation of power-relations in general, and more specifically in situations of inherent power-relations such as the work place or an university.

39. *Id.*

40. *Id.* at 109.

41. *Id.* at 109-10.

42. *Id.* at 109-11. Neither West nor I consider her argument to encapsulate the experience of all female students who experience sexual harassment. Nevertheless, since professors are usually not capable of identifying the student's mental structure,

Academic studies are an important step toward acquiring intellectual abilities, but no less important toward acquiring a sense of self-worth concerning the intellect. In a proper educational situation, intellectual abilities are the sole criterion under which the student-professor relationship is conducted. The professor's confirmation of the student's intellect is an immanent part of their relationship; the different roles assigned to professor and student within the university are based on this confirmation. Thus, the essence of sexual harassment stands in strict violation of the legitimate structure of relations between subjects within the academic power structure, because the professor does not use his power of authority for confirming her abilities as a thinking person, but rather as a reductive mean which fixates her role as a sexual object in the world. With the entrance of the sexual dimension to the essentially intellectual realm of the university, the clear dichotomy in which man is identified with intellect and woman is identified with sexuality is automatically reinstated against the initial effort of the student to blur this dichotomy. This process is at the basis of the dual nature of sexual harassment as pointed out by MacKinnon - a specific harm to a woman and a general harm to the cause of empowering women, by way of duplication of the structure of inequality between women and men in society.

West's account reinforces the assertion that in the practice of the gender relations, the university - which can be an interim stage for women on their track toward power bases in society - (sometimes) becomes a restraining and even oppressive element. Women, who attempted to define themselves through their intellect rather than their sexuality, and evade the male definition of their abilities as an unthinking subject, internalize the male position forced upon them and lose faith in their professional abilities. Often following an incident of sexual harassment, women end their studies, waive a professional career, or instead carry out a professional career from a stereotypical female position, i.e., holding part-time jobs or adopting a non-career-oriented attitude.<sup>43</sup> This phenomenon is particularly grave in Israel because

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I believe the thin-sculpture principle should apply in the sense that the norm would be designed according to the most vulnerable student. In the movie *Legally Blonde* there is a good example for that mechanism in action: when sexually harrassed by the law professor who employs her, Elle Woods loses her self confidence and leaves Harvard (luckily, a women professor helps her recover/regain her self-esteem). *LEGALLY BLONDE* (MGM 2001).

43. *Id.*



in those extraordinary situations where women, in spite of the sexual harassment, do not internalize the sexual stereotypes regarding themselves and try to acquire key roles, they are limited by either the harassers or their male echoes. Israeli society does not offer a geographical and mental space which allows a woman an unexposed place regarding this biographical element in her life. An academic career for a woman sexually harassed is often barred due to the limited options of Israeli universities and because of the proximity and almost intimate acquaintance between the male holders of power. As a result of the limited number of universities in Israel (five) she is not able to arrive in a place where her story is unknown and where the male judgment regarding sexual harassment does not presuppose her intellectual inferiority and brand her a "problematic" person. In many cases, the undeclared attitude that turns the victim into the guilty party stands as a glass ceiling over her efforts to enter the Israeli academic realm.

#### *A Survey at Tel Aviv University*

Comprehensive research on the extent of sexual harassment in Israeli universities has not yet been conducted. However, Inna Levy and Sara Ben David conducted a partial survey in 2001.<sup>44</sup> The survey attempted to measure the extent that Tel Aviv University students have been exposed to sexual harassment by both

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44. This research by Tel Aviv University's Student Organization, and was only published in a pamphlet that was distributed among the students. The formation of the research, as it was described by its conductors, is as follows: "the questionnaire that was used in order to evaluate the extent and character of sexual harassment was written by Fitzgerald & Shulman (1988). This questionnaire includes five categories of sexual harassment that were defined by Till (1980): 1. verbal-sexist sexual harassment 2. seductive behavior, including sexual offers that do not include threats or promises 3. sexual bribe, soliciting sexual activity through promises of rewards ("quid pro quo") 4. sexual coercion, coercing sexual relations through threats. 5. sexual assault. The questionnaire consisted of questions about sexual harassment both by faculty and by peer group (students)." Levy and Ben David added six questions to the original questionnaire: two direct questions in which the respondents were asked whether they were sexually harassed by faculty and/or students; two questions about the pervasive perceptions of sexual harassment at the Tel Aviv University and the student's familiarity with sexual harassment victims (which were meant to serve as subjective estimates of the extent of the phenomenon); two questions about reports to the University's authorities and the treatment of such reports. 1081 students of Tel Aviv University participated in the research. 453 (42%) of them are men, 625 (58%) of them are women. 90.5% of the participants were undergraduates, 8% were graduate students and 1.5% were doctorate students.

faculty and peers. Some of the main findings of the survey are as follows:

*The frequency of reporting repeated experiences of sexual harassment in Tel Aviv University:*

Number of sexual harassment behaviors by faculty members	Percent reported
Over 1	22.1%
Over 2	12.5%
Over 3	9.4%
Over 4	18.6%

*Reporting by students polled regarding the frequency of sexual harassment by the peer group according to categories:*

Sexual Assault	Sexual coercion by threat	Sexual bribe by offering reward	Offers of a sexual nature	Verbal and Sexist harassment
12.7%	4.6%	2%	66.5%	84.2%

*The Frequency of reporting sexual harassment to university authorities*

Reported and treated	Reported and untreated	Unreported
15%	5%	80%

The poll clearly demonstrates both the frequency of the phenomenon and the low reporting rate.

*The Treatment of Sexual Harassment by Tel Aviv University*

The principal methods of dealing with sexual harassment in Israel are a direct product of the Prevention of Sexual Harassment Law. For example, the regulations issued under the law obligate the University, defined by law as an employer responsible for the prevention of sexual harassment, to appoint a sexual harassment ombudsperson. As part of her role, as defined in the regulations, Professor Ben Israel, Tel Aviv University's ombudsperson, has issued a code of conduct for prevention of sexual harassment in the University. The code of conduct opened the main channel available for students – an in-house disciplinary committee. The formation of the committee by the University is a realization of the disciplinary channel – one of the channels designated by the Law for handling a sexual harassment com-

plaint. This is one of three courses of action the Law offers a potential complainant: pressing criminal charges; filing civil charges; and filing a disciplinary complaint.

THE FORMATION OF THE INFORMATION AND SUPPORT  
HOTLINE FOR SEXUAL HARASSMENT VICTIMS IN  
TEL AVIV UNIVERSITY

*The Hotline's Social Philosophy*

The foundation of the Hotline was guided by a feminist social philosophy which guides its operation. The Hotline accepts radical feminism's dual point of view that considers sexual harassment to be both a harsh personal experience for the victim and an event that is part of a broader social structure that reproduces and constructs the power relations between men and women. Out of this dual outlook the Information and Support Hotline conducts its operation on two main planes: it both provides help for every caller by granting initial telephone support and offering all of the relevant information to each harassment victim; and, within the broader social context, its members conduct various on-campus educational activities that publicize the hotline and explain its agenda.

Telephone support provides initial psychological support for the caller, validates her experience as sexual harassment and supplies her necessary information.<sup>45</sup> We present the caller with various options, without channeling her to a specific course of action (such as pressing charges) because we believe that women can reach informed decisions that serve their best interest, provided they have access to all the relevant information. One of the oppressive mechanisms duplicating female victimization is withholding information from women. Therefore, providing the necessary information restores to women the power taken away from them by sexual harassment and forms the power basis for each caller to reach the best decision.

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45. The manner in which the Hotline's volunteers confirm for the victim that her experience was sexual harassment is in no way oppressive, coercive or patronizing. The volunteer explains to the caller what is sexual harassment according to the Hotline's philosophy and according to the law. Equipped with that information, the caller decides whether she categorizes her experience as sexual harassment or not. The volunteer confirms whatever categorization the caller chose by avoiding the all-too-often reaction of doubting the victim or trying to trivialize or silence her experience.

The Hotline's advisory activities are intended to heighten the awareness of sexual harassment, expose the power apparatus that enables it, and offer various methods for dealing with it. These activities are conducted via several channels. The Hotline's volunteers give short talks in the classrooms and present information concerning sexual harassment in general and the activities of the Information and Support Hotline in particular. At the end of the lecture, the volunteers disseminate information sheets that include the Hotline's hours of activity, telephone number, web address, and other information. The visual side of the explanatory activities includes putting up posters around the campus and placing stickers displaying the Hotline's number in restrooms, thereby allowing students to copy the number in privacy. In addition, the Hotline organizes an annual convention, intended for both university students and the general public, that focuses on different issues related to sexual harassment.

Another dimension of the feminist social philosophy at the root of the Hotline is that the Hotline was founded by women, is staffed by women, and is run for women. The guiding perception is that women can help other women based on their shared position in a particular social layer. Because every woman is exposed, at least potentially, to sexual harassment, the volunteer answering the phone was or may be a victim of sexual harassment and therefore has the means to provide empathy and support to a woman currently suffering sexual harassment. Thus, mutual support that is not based on acquired knowledge by psychologists and social workers, but rather on life experience and a shared social location, is made possible. The Hotline is an island of mutual support between women, which opens a female space for discussing the experience of harassment. This space, characterized by a feminine perspective, rescues sexual harassment from the repressed and silenced place in which society has located it. The experience described in the telephone call is defined as sexual harassment by the victim's standards, without reverting it to the categorization offered by law: the woman is harassed when she feels harassed.

### *The Process of Setting Up and Shaping the Hotline*

The Hotline was founded as a private initiative of the author and of Ilana Szobel, stemming from awareness to the extent of the sexual harassment phenomenon in Tel Aviv University and to the distress of its victims. The Prevention of Sexual Harassment

Law, as mentioned above, is an "educational law". Therefore as members of the student body and junior staff of Tel Aviv University, we (the initiators) decided to shape the Hotline as part of social negotiation aimed at a true internalization of the law into the accepted norms of behavior, in a non-coercive, truly consensual manner. A true consensus regarding norms of behavior that are accepted by both sexes must take into consideration the point of view of the oppressed class (woman) as it is expressed in the law.

The insistence on the university as a space in which the change should take place was the consequence of our recognition of the university as a central site in women's empowerment on one hand, and as fertile ground for stereotypical views regarding women on the other hand. Because of its potential for feminist action, i.e., a practically reinforced theoretical based action, the university is central in creating an alternative social order to the existing patriarchal society. The desire for a new and equal world – one that defines its concepts and norms of activity by internalizing both female and male perspectives, allowing self-definition to each subject regardless of the way she is defined by the powerful – may materialize in the university arena that contains feminist views,<sup>46</sup> unless it is suppressed by actions such as sexual harassment, which maintains and strengthens the patriarchal stereotypes and brands women as inferior and as nonintellectual sexual objects.

The dialogical standpoint of the Hotline is expressed both in its public and explanatory activities and in its cooperation with the university authorities in an attempt to put an end to the phenomenon. Within the University's obligations, as defined by the Prevention of Sexual Harassment Law, Prof. Ruth Ben-Israel was nominated as sexual harassment ombudsperson. The ombudsperson institution functions as a quasi-judicial body that conducts internal disciplinary proceedings. By its nature, this institution strives for a fair and due process, including a serious consideration of both the complainant and the accused. There-

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46. During the years feminist research in Tel Aviv University was conducted within limited frameworks in the different faculties (such as the gender studies program in the school of social work and the women's studies program in the general and interdisciplinary program). However, there is no doubt that the department of women and gender studies is a substantial advancement in this realm, as the department allows a holistic approach to the situation of women in all realms of life, and represents in its essence a unifying, rather than dismembering educational experience.

fore it takes an impartial approach in hearing the complaint. The formation of the Hotline was a complementary action to the formation of the university-founded institution, as in the initiator's understanding there was a need for a place providing a combination of psychological support, which would make possible the naming stage<sup>47</sup> and of a broad perspective on the various legal options existing both in the university framework and outside it.

After deciding upon the social philosophy, the first step was to establish the Hotline as an organization, which required cooperation with several relevant elements.

a) The immediate need for a private space that would allow the Hotline's volunteers and coordinators to conduct their work and also provide anonymity demanded the allocation of a private room with limited public access. Our request to the Dean of the Law School, Prof. Menachem Mauntner and the Vice Dean, Prof. Dafna Barak Erez, led to a fruitful cooperation which was expressed in the generous allocation of a room and phone line, in a willingness to answer various needs which have risen since, and in encouragement and support exemplifying true openness for the dialogue we wish to hold in the university.

b) As an independent initiative of students, we decided to broaden the Hotline's support base by turning to the Women's Studies Forum. The Forum's support was evident in helping our funding, in supporting our public explanatory activities, and in the mutual desire to make the Hotline a central project in the activist-feminist attempt to end the phenomenon of on-campus sexual harassment. This cooperation reinforced the interrelations between feminist theory and feminist practice that manifests itself in each of these organizations but also in the cooperation between them.

c) The Sexual Harassment Ombudsperson, Prof. Ruth Ben Israel, who is in charge of the practical dimension of filing a disciplinary complaint in the University, expressed her support for

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47. Sarat, Abel and Felstiner point out several necessary stages for the enabling of legal proceedings following a damaging incident. According to them, after a subject is harmed, there is need for a tri-staged process for the case to be brought to trial. The initial stage is "naming" – the subject must be able to name the injury. Naming the injury is a display of social power which is a result of the subject's level of education and access to symbolic capital. After the naming stage, there comes a need for two additional stages of consciousness: blaming (the ability to attribute the injury to the harmer) and claiming (the ability to press legal charges). See William Felstiner et al., *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . .*, 15 L. & Soc'y Rev. 631 (1980-1981).

the project, particularly recognizing the importance of student-initiated support and explanatory activities that sustain the implementation of the law in the university.

d) In recognition of the sensitivity of the issue and the innovation of the campus Hotline, special care was used in training the volunteers who staff the Hotline and represent it in its public activities. Therefore we chose to request The Support Center for Rape and Sexual Assault Victims in Tel Aviv's advice on the training of the volunteers. In cooperation with the manager of the Support Center, Ms. Meirav Dadiah, we developed an innovative training course tailored to the needs of the Hotline, stressing a feminist approach combining theoretical knowledge and personal experience. In the training course, the participants are provided with tools for initial handling of the callers (stressing empathy, listening, and a non-judgmental approach) and legal knowledge (the law, internal university procedure, authority relations, etc.). In addition, a wide variety of feminist views and theories are studied, including refutation of myths, self-location in the spectrum of prejudices, and gender as social structuring.

e) The dialogical approach characterizing the Hotline forced us to walk a thin line between the required independence arising from the Hotline's interest in representing the victims of sexual harassment, and the desire to create a true dialogue inside the university. Autonomy is a required if not sufficient element for gaining the trust of students, and so a detachment between the Hotline and the establishment was maintained through identifying the Hotline as operated by students for other students. However, the Hotline's attitude toward the University stems from a cooperative approach, not a separative one, since the goal is an internal change, not a change brought upon as a result of external coercion. This duality in the relationship with the University was necessarily reflected in the practical-economical side of the hotline's activity; the economical foundation is supported by funding from the University, but also seeks and finds independent funding. Accordingly, we have received funding from the Women's Studies Forum, the Tel Aviv University Student Body and private corporations.

f) The Hotline relies on the efforts of volunteers for its operation. However, recognizing the importance of rewarding women's activism, the initiators tried to find a manner of rewarding the volunteers. A student that volunteers for the Hotline, is

therefore allowed to waive one of the two physical education courses required for each student volunteer.

### *The Hotline's Structure*

The hotline is staffed twice a week by undergraduate and graduate students. The activity is on a voluntary basis. The Hotline's coordinators select the volunteers after an extensive interview. The Hotline's founders, who are currently its coordinators, are also volunteers and are active in fundraising, working with the funding bodies and support center, dealing with the University administration, working with the Hotline psychologist, working with the volunteers and maintaining an ongoing awareness of their needs, organizing professional seminars, maintaining the web site, and conducting explanatory work such as writing pamphlets.

Viewing the Hotline as a focal point for activity carried on in the civil society, we labor to develop the volunteers' feeling of community. A group dynamic session for volunteers, led by a clinical psychologist, is held once a month. The purpose of the group dynamic session is airing emotions and sharing hardships that may arise as a result of volunteering for the Hotline, in its different aspects, and promoting the volunteers' sense of community. Additionally, we hold a monthly professional seminar for the volunteers. The meeting includes different forms of feministic content that enhance the volunteers' professional knowledge and the ability to stuff the Hotline. Pornography, Sexual Harassment in Cinema, and Sexual Harassment and Rape in the Bible are some of the subjects that have been discussed in the seminar.

The Hotline has only taken its initial steps, and from a long-term perspective I believe we will be able to expand and deepen the scope of its activities in time. As part of the future strategy we hope for development in the following areas:

- Building a support apparatus for complainants that have chosen to take any of the available courses of action. I have sometimes escorted women to the police to file a complaint but this was never an official capacity of the line. Escorting women to the police, General Prosecution, courts, and the disciplinary hearing procedure, should, in my view, be an integral part of the line's services.
- Persuading the University to participate in the funding of legal and psychological services for sexual harassment victims as part of the University's responsibilities for actions carried out within it.



- Changing the evaluation from (filled out by students) of professors and teaching assistant so that it will include the following: "did the professor ever did one of the following things. . ." – followed by the list of behaviors that constitutes sexual harassment according to the law. This change is important for implementation of the notion that sexual harassment is relevant to assessment of professionalism. This is a step toward eliminating the artificial separation of public and private. As part of the "not in our school" group, I was involved in efforts to make this change but to no avail.
- Changing the University Code of Conduct pursuant to a dialogue between the University authorities and the Hotline's representatives. For instance, allowing a Hotline representative to observe relevant proceedings.
- Widening the scope of benefits available for Hotline volunteers, for example by offering community activity scholarships.
- Grounding our public activities in the University Code of Conduct by obligating each student, faculty member and administrative worker to be instructed on the law and the social phenomenon of sexual harassment as part of their required training.
- Setting up similar hotlines in all universities, colleges, and seminars in Israel.

#### CONCLUSION

In this Article I tried to portray the existence of the Information and Support Hotline for Sexual Harassment Victims in Tel Aviv University in its social-cultural context as a first-of-its-kind initiative in Israel, the philosophical grounds for its formation, and the motivating rationale of the organizational strategies at its basis. The mobius strip of theory and practice, that is the Hotline's infrastructure, is a manifestation of feminism, which strives for a far-reaching change in the patriarchal social structure.

The Hotline is a representation of feminist politics, third-sector activity and social awareness of the phenomenon of sexual harassment on and off campus. Therefore I believe that the Hotline's existence in the university as a site of resisting women oppression has a potential to change the campus into a social site that rejects sexual harassment, and constitute a supportive community for victims of patriarchal violence.