We are in the middle of the first mass movement against sexual abuse in the history of the world. Global #MeToo sprang from the law of sexual harassment, quickly overtook it, and is shifting law, cultures, and politics everywhere. It also electrifyingly demonstrates in action what I’m calling “butterfly politics”.

In 1972, the scientist Edward Lorenz, trying to grasp how small, seemingly insignificant things become cataclysmically big, asked, “Does the flap of a butterfly’s wings in Brazil set off a tornado in Texas?” Considering this, he conceived the “butterfly effect,” which charmingly models how some tiny simple actions, properly targeted within structural dynamics under the right conditions, can come to have complex large effects.

Butterfly politics, applied to change in the gender system, including through law, means that the right, small intervention in the structure of an unstable political system can ultimately produce systemic change. It proposes a theory of social change in power relations through activist law.

The early openings of the butterflies’ wings on sexual harassment were the legal, political, and conceptual innovations of the 1970s, setting the stage for the collective social intervention of the #MeToo movement that is shifting gender hierarchy’s tectonic plates.

To start with the “why now” question — to ask what made #MeToo possible — is to ask what, for the first time, made it harder to keep the sexual abuse inside than to put it out. The reverse has always been the case. It is also to look into #MeToo’s elements, what will extend it, what will keep it going. One beginning point was the legal breakthrough that defined sexual harassment as sex discrimination, calling the experience and violation what it is: a vector and dynamic of structural inequality, specifically gender, with major white supremacist and class-based (poverty, economic vulnerability) dimensions. Sex inequality is both complex and unstable. Complex due to its multiple interacting unequal variables: race, ethnicity, religion, class, disability, sexuality, and age. These do a lot of their work through gender, and gender does a lot of its work through them. Unstable because it is based on a lie: that women are men’s natural inferiors, men women’s natural superiors, commonly termed “difference”. Life refutes the lie of inferiority every day, which means it takes a lot of force to hold it together. This hierarchical system — superiority being above inferiority in value, worth, status, resources, power, despite some acknowledgment of its injustice, the human and civil right to equality supposedly makes it illegal — has proven extraordinarily tenacious.

Framed as inequality, sexual harassment stopped being something women (or anyone) just had to live through, breaking the age-old rule of impunity that the more power a man has,
the more sex he can exact from those with less power. In this system, because sexual abuse is about power, it is about sex. If all the sexual abuse reported in the #MeToo movement starting in late 2016 had remained effectively legal for the past forty-some years — as without sexual harassment law, most of it would have — this explosive movement against it would have been unthinkable, nor could it have been so volcanically effective. Without law delegitimising sexual harassment, calling it out for what it is in law — this is how law actually works in life — powerful men (and men have power) would not be losing their jobs, political and academic positions, deals, and reputations today. The #MeToo moment also, obviously, built on decades of collective work against sexual abuse by groups and individuals, the leading ones being African American women: all the early legal cases, Professor Anita Hill’s testimony in 1991 against Clarence Thomas, Tarana Burke’s 2006 use of the phrase “me too” to call out the abuse of African American women and girls in particular; and the #SayHerName campaign. The “campus sexual assault” movement of the last decade or two is also a forerunner of #MeToo, combining legal initiatives with social media intervention, inspiring the investigation by the Obama administration of several hundred schools for inadequate response to sexual abuse on campuses.

Another crucial moving part in the United States’s awakening was the 2016 presidential election. Claims of sexual harassment by President Bill Clinton had, for many, previously identified the issue of sexual harassment with the Right’s use of it for political gain: a morality crusade rather than a matter of coercion and exploitation. The election of Donald Trump reversed the relation of sexual harassment to conventional political alignments, redefining the democratic and liberatory potential of publicly claiming sexual victimisation. Instead of interfering with a respected president’s desired policies and leadership, exposing these violations in one’s own life became a means of resisting the forces of darkness — misogyny, racism, authoritarianism, lies, stupidity, you name it. Even as the movement revealed that perpetrators of sexual abuse were not just those ugly men over there, but our nice men right here, this reversal of the conventional politics of the issue released a tsunami of enraged women. This history placed Hillary Clinton in an awkward position as a presidential candidate. Who even knows what confronting sexual abuse on behalf of violated women, what Michele Dauber in this context calls “electoral kryptonite”, could have mobilised for her campaign? But what contributed to creating Trump as president — indifference to reports of sexual abuse — fuelled #MeToo in no small part because of its role in creating Trump as president. The point here is, for myriad reasons, if Hillary Clinton had been elected President, #MeToo would not have occurred. In other words, we are the backlash.

The allegations against Harvey Weinstein threw a match into this tinderbox. Ashley Judd’s willingness to be named, as reported by the New York Times, then the further reports in the New Yorker, set off the butterfly effect that is #MeToo, transnational in scope and showing no signs of slowing. High-quality journalism touched off this movement, followed by survivors in the millions taking to social media airwaves. Sexual abuse was finally being reported in the established media, and still is, as pervasive and endemic rather than sensational and exceptional. This makes it real. Women have been talking with each other about this outrage for millennia. Social media could have become just a digital echo chamber in which a million whispers of sexual abuse went to die. A major part of the response, including the cultural and legal changes that are occurring, is because the legacy media — the reality and consciousness machine, whose reports have not been confined to privileged women or to prominent men — is continuing its ethical, sometimes inspired, reporting.

Notice: #MeToo is cultural, driven principally by forces other than litigation, and is surpassing law in changing norms and providing relief for human rights violations that the law
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did not — in some ways in current form could not, although law is embedded in culture and can and will change with it. Over the past couple of years, survivors in numbers and gorgeous diversity, perfectly displaying the kaleidoscope that a collectivity of butterflies is called, have begun to erode the two biggest cultural barriers to ending sexual harassment (and all forms of sexual abuse) in law and in life: the disbelief and trivialisation of its victims. Before, even when she was believed, nothing he did to her mattered so much as what would be done to him if his actions were taken seriously. In some ways, it is even worse to be believed and to have what he did not matter. It means you don’t matter. This precise choreography was retraced in the final Senate hearing for Judge Kavanaugh’s Supreme Court nomination. Dr Christine Blasey Ford provided remembered facts of a sexual attack by him: he did this. When questioned on those facts, Judge Kavanaugh repeatedly provided … his resumé: I matter.  17 These exact dynamics of inequality drive the system of sexual politics in which the more power a man has, the more sexual access he can get away with compelling. It used to be that women accusing men of sexual abuse were the ones thrown overboard. Women’s voices recounting sexual abuse being heard, believed, and acted on — and some men being thrown overboard, despite setbacks like the Kavanaugh confirmation 18 — is real change. Don’t ask me what’s next. This is it, this right here. It has arrived. The alchemy of #MeToo is beginning to transform what has been a privilege of power into a disgrace so despicable that not even many white upper-class men feel they can afford it around them.

While it’s a miracle when anyone claiming sexual violation is believed, the odds have long been irrelevantly improved by any form of privilege — dominant race, ethnicity, religion, class, celebrity, nationality, caste, sexuality, age, gender, or combinations, although they did not keep it from happening. Harasser prominence and celebrity accuser stoked some of the media fire initially but have not confined the movement. An attack on these hierarchies, including by white women celebrities, is also an attack on the fact that women’s work, like the rest of women’s lives, is often denigratingly sexualised. Working for tips in a restaurant to make anything close to a living wage, for example, largely requires women in effect to sell themselves sexually. The entertainment industry outright commodifies the sexuality of the women in it. It’s no coincidence that so many of the exposed harassers in entertainment reportedly subjected their victims to a pornographic spectator sexuality, masturbating over them in real life like consumers do over women in pornography. This also partly explains why Time’s Up women — actors frequently used and abused to create the sexualised culture in which we are buried, and who as working women, almost no matter how well-known or successful, must please powerful men to continue to get that work — are so perfectly positioned to attack it. If the same cultural inequalities are permitted to operate in law as operate in the behaviour the law prohibits — as exemplified by the rape myth that women who have had sex are inherently not credible, for instance, having apparently lost our credibility along with our virginity — equalising attempts such as sexual harassment law encounter systemic drag. This logjam is finally being broken, or starting to be, by the #MeToo movement, by survivors being believed and valued as the law seldom has. Again, women have been saying these things forever. It is the response to them that is changing.

As #MeToo moves the culture beneath the law of sexual abuse to make it potentially a far more effective tool than it has ever been, some conventional systemic legal processes are shifting. Examples are Bill Cosby’s conviction in his second trial, Judge Aaron Persky being recalled by the voters, Larry Nassar’s conviction and sentencing. 19 The surfacing of allegations against Catholic priests and bishops by adult survivors of childhood sexual abuse, many of them men, 20 which began before #MeToo, increasingly including complaints of official cover-ups as well as direct acts of sexual aggression, 21 has arguably taken inspiration and heart, and
derived potency and momentum, from adding its voices to a rising #MeToo. And so much legal change is needed. #MeToo is exposing the lack of freedom, including sexual freedom, that prevails under conditions of inequality. In the United States and elsewhere, rape law continues to be infused with rape myths. Critical light has been shed on criminal law’s burden of proof and standards for due process rights of the accused, for instance, confrontation and cross-examination, which are inappropriately often imported, tacitly or explicitly, into civil and administrative processes without putting them into inequality contexts or exhibiting any awareness that sex equality standards have never been applied to these areas. Processes for investigating and interrogating sexual violation in most settings remain within the chain of command of the institution that is, in essence, or sees itself as, being investigated, rather than being independent. In any other setting, this would be called corruption. Transparency is not the usual rule here. Secrecy is, protecting organisational brand. In any other context this would be understood as a cover-up.

Liability standards for employers and educational institutions remain unrealistically stacked against sexual harassment survivors. Standards for retaliation — one of the biggest fears behind nonreporting — are not realistic in this context. Even before a case can get started in the United States, the federal law of discrimination has a statute of limitations of mere months, the shortest in law, which expires before almost any victim of sexual violation is past trauma, far less post-traumatic stress. What does this mean, if not that legislators know discrimination is rampant and want to make complaints of it disappear? The damage caps for harassment only minimise the extent of its harm by suppressing its measure and can discourage contingent representation. No motion to change any of this exists in the US Congress or anywhere else to my knowledge, although some of it is better under California law.

Practical steps to capture the movement’s insights could include limits on various forms of secrecy and nontransparency that hide the extent of sexual abuse and enforce survivor isolation, such as forced arbitration, silencing nondisclosure agreements, especially in cases of physical attacks and multiple perpetration, and settlements forcibly made confidential. Being able to sue individual perpetrators and their enablers, jointly with institutions, as California allows, could shift perceived incentives when it comes to the actual abuse. Legal standards for reasonableness and unwelcomeness, which themselves refer to social standards, need to shift and are shifting. But the only legal change in US law that matches the movement’s scale would be the passage of an Equal Rights Amendment and application of substantive equality standards to its interpretation. It would expand the congressional power to legislate against sexual abuse. It could and should renovate constitutional interpretation in a more substantive, including intersectional, direction, reconfiguring legal equality itself.

Supported by law, sincere revulsion against sexually harassing behaviour, as opposed to revulsion at reports of it, could change workplaces and schools, even streets. It could restrain repeat predators as well as the occasional and casual exploiters, as the law so far has not. Shunning perpetrators as sex bigots who take advantage of the vulnerabilities of inequality could transform societies. Many social sectors could recognise their obligation to foster environments free from sexual objectification, pressure, or aggression, in which reporting of sexual abuse is welcomed rather than punished, accountability not impunity prevails for individuals and institutions that engage in or enable such abuse, and excellence and inclusion rather than hierarchy and fear — imagine that — operate as real rather than rhetorical standards.

Sexual harassment’s links to other issues are becoming increasingly visible during this explosive time. For one, sexual harassment is an especially appropriate vehicle for a worldwide movement not only because it affects women of all cultures, groups, and classes, but also because it encompasses, builds in, parallels, or evokes so many other abuses of women and
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children, from simple discrimination to other abuses of authority or trust or power. It often includes rape and raises all the issues of undesired sexual interactions that are acquiesced to under conditions of unequal power. #MeToo has opened a wider discussion of the place of power in coercing sexual interactions that links with developing international legal understandings. The international definition of rape in the International Criminal Tribunal for Rwanda’s (ICTR) Akayesu case is based on coercion, consent being so irrelevant as not to require mention. Domestic laws of rape in many jurisdictions, and sexual harassment trainings in schools, typically turn on “consent”, the legal meaning of which ranges from actual desire affirmatively expressed to lost fights to despair to passive acquiescence to frozen fright to coma to death. Making “consent” central to rape law is what puts the victim on trial. It is why the British conviction rate (with its all-consent law) is an appalling 5.7% of cases reported, itself a small fraction of the total perpetrated. Consent as a concept is rooted in the active/passive model of sex as something someone with more power does to someone with less, who lets it happen or tries not to. If sex happened, non-consent has to be proven, meaning the assumption was that it was consensual unless proven otherwise. “Yes” can be coerced. Consent is thoroughly sex stereotyped. As a concept, it is given its fullest expression in the British political theory that justifies rulers in ruling the ruled. It means acquiescence whether or not a choice is real, it is what is attributed to you when you are rolled by power. It is an intrinsically unequal concept, including when it works the way it is supposed to work, riding under the cover of desire but virtually never invoked when desire is real. In the international law of sex trafficking, which prohibits sexual exploitation in circumstances of vulnerability or abuse of power, among others, consent is, by statute, no defense.

Sexual harassment law in the United States, for all its inadequacies, has grasped from the outset that inequality is not consented to. Accepting unequal pay, for instance, doesn’t make it equal. Sexual harassment law does not use consent and never has; it uses unwelcomeness. Sexual assault is a crime of inequality. One potential insight of #MeToo is that consent needs to come out of rape law as well. Domestic laws of rape should be based on coercion, reconfiguring definitions of force to extend beyond physical force to encompass all the forms of inequality, meaning vulnerability, that make rape possible, including race, class, and poverty, sexual orientation, gender identity, disability in a major way, immigration status, state power, military occupation, colonialism, and the consequences of climate change, with age as well as gender stereotypes, when actively deployed to force sexual interactions. Deterrence, not incarceration, is the goal, which is why this concept is focused on those with the most power, as opposed to existing law, which targets those perpetrators who have the least.

A second link rising in visibility is the fact that sexual harassment makes women’s real work into a form of prostitution: forced trading of sexual access for economic survival, which is what prostitution is. In its fundamental dynamics, sexual harassment turns real work into an arm of the sex trade, termed “serial rape” by its survivors. The imperative to exchange sex for survival, or its possibility held out whether the survival is real or not, governs women’s inequality, hence women’s lives, worldwide. In prostitution, virtually all of women’s and girls’ options are precluded by individuals or social forces — for instance, white supremacy, poverty, misogyny — except for this one, making her so-called consent to it, or so-called choice of it, almost always fraudulent and illusory, as is “sleeping her way to the top”. Women who supposedly have rights, including equality rights in employment and education, are reduced to this floor of women’s status when tolerance of sexual harassment, or sexual delivery in any form from objectification to rape, is made a requirement of the paid labor force, including in paid housework, where sexual predation is widespread. The same applies to educational or career advancement. As a formerly prostituted woman colleague once cogently observed to me, “and
you have to do all that other work, too”. Precisely this — sexual harassment in its pure form, meaning prostitution — is what is being widely rejected by women and some men in the international #MeToo movements today.

The way butterfly politics seemingly comes out of nowhere to suddenly be everywhere is illustrated by the Nordic model on prostitution, which penalises the buyers (johns) and sellers (pimps and traffickers) of sex, eliminating any penalties for the bought and sold, the prostituted people. In Sweden, where it was passed first in 1999, it has virtually eliminated sex trafficking and reduced prostitution by massive percentages by supporting prostituted people who want to leave prostitution, which by international measures is 89% of them. This equality model on prostitution is now embraced in many countries (Norway, Iceland, Northern Ireland, Canada, France, the Republic of Ireland, and Israel), despite well-funded sex industry opposition. Like all good human rights work, and everything I have ever done, it is directly based on the experiences, needs, and insistent demands of survivors. Prostituted people are not the criminals. Those who buy and sell them are.

If requiring sexual use as the price of survival is a human rights violation when combined with a real job or as with education, another entitlement, it certainly violates human rights when imposed all by itself, when it is the only thing a woman is permitted to be valued or paid for, even if her value approximates pond slime and the lion’s share of the payment of the approximately 84% who are, on average, under the control of third parties goes to others. Yet it is not effectively illegal to buy a person for sexual use in most places. When buyers call forth revulsion and rejection when sexual harassment’s dynamic in its pure form — prostitution — is exposed; when those who report it — women and girls, men and boys, transgender persons, disproportionately women of colour and indigenous women — are no longer stigmatised, shamed, and blamed as their violators are vaunted and defended and kept invisible; when this form of unequal predation is seen as the opposite of freedom, and those who outright buy others for sexual use are unmasked as the predators they are — let’s call #MeToo prostitution and trafficking maybe #NotSexNotWork — this will be the transformation the present one has prepared.

A third link reveals lessons in #MeToo for gender as an inequality per se in its conceptual and practical links to sexual abuse of children. Sexual harassment is like sexual abuse in childhood in manipulating trust and dependency and institutionally betraying those who report. Sexual abuse of children is arguably the foundational practice of the whole gender system, ground zero of sex inequality. Andrea Dworkin called incest “boot camp”. Sexual abuse in childhood is the practical foundation of prostitution and sex trafficking, in that most people used in prostitution, the destination of sex trafficking, were sexually abused as children and entered prostitution as children. Pimps, who know what they are doing, select formerly sexually abused children on purpose. Both children and prostituted people are barely surviving through serial rape and molestation under circumstances in which they have no realistic options and from which they have few possibilities of escape. Sexual abuse in childhood is about what rape and sexual harassment and prostitution are about: sex forced on those with less power by those with more, made definitive of masculinity and femininity. This is also the dynamic pornography sexualises. And many if not most rapists were sexually abused as children. To escape this being done to them, a choice they are given, many men become masculine, sexualising power over others. To survive under it, girls are taught to acquiesce in femininity, sexualising power over us, sometimes calling it “empowerment”. Sexual abuse in childhood explains more about the gender system, that is, more about male violence, meaning violence, and more about sexual politics, meaning politics, than any other single thing does. If you put the best studies together, it affects about half of all girls in the United States in contact forms before we reach the age of majority, and
likely at least a quarter of all boys.\textsuperscript{35} Data varies by country so we don’t even know its real incidence and pervasiveness around the world — based on data we do have, rates in South Africa are by far the highest for both men (60.9\%) and women (43.7\%), next are Jordan and Tanzania, with prevalence rates of 27\% and 25\% respectively, for men, they are followed by Israel, Spain, Australia, and Costa Rica, and for women, Australia (37.8\%), Costa Rica (32.2\%), Tanzania (31\%), Israel (30\%), Sweden (28.1\%), the United States (25.3\%), and Switzerland (24.2\%)\textsuperscript{36} — only that there doesn’t seem to be any place it certainly doesn’t happen. And although some valiant steps have been made against some institutions (churches, residential schools, schools, period), virtually nothing is being done about it, despite laws against it. Blackstone said better ten perpetrators go free than one innocent accused suffer,\textsuperscript{37} as if these were alternatives. With sexual assault, we have both. And this starts before one even grows up enough to have one’s sexual abuse recognised as harassment or exposed through #MeToo. Until we figure out how to address sexual abuse of children for real, we will not have done what we need to do.

With all this to be concerned about, women frequently shift our attention to “backlash”: their response to our response to their abuse of us. Often neglected is that there is no backlash without a frontlash. Whenever we stand up, whenever we are found in other than supine or prone positions, any bit of power we gain will be called “too much”, “going too far”. Any time abusers don’t get away with violating us without consequences, it will be called “bias” or “lack of due process”. Any time we say what he did, making perpetrators look like who and what they are, it will be called “defamatory”. Any sanction we win will be likened to the death penalty. Any time we insist on being treated as equals, including going to lunch with the boss, we will find they are incapable of seeing women as other than sexual objects. Yes, they intend to keep their sexual access to us. Yes, their access is established by power and entrenched in institutions and doctrines to support them. All this means is, yes, we haven’t won yet. But we are winning.

To continue the frontlash, for agents of social change for human rights, acting consciously, knowing that extremely small initial conditions can be amplified exponentially over time through systemic repetition to ultimately radically shift the way a system behaves — this presents the risk, the caution, and the hope of the butterfly effect. It supports the activist mantra: what you do matters. You are all butterflies.

The #MeToo mobilisation, this uprising of the formerly disregarded, has made increasingly untenable the assumption that the one who reports sexual abuse is a lying slut. That already is changing everything. With #MeToo, we have our tornado, and not only in Texas. And a lot of the sexual harassment that has been a constant condition of women’s lives is probably not being inflicted at this very moment. As butterflies take flight from beneath the shadow of the law, we are living through the first systemic uplift in women’s status since the vote. Imagine a revolution without violence against domination and aggression. Envision a moment of truth and a movement of transformation for the sexually violated towards a more equal, therefore more peaceful and just world. It is happening all around the world, all around us, right now.

Notes

Global #MeToo


5 This analysis is further developed in MacKinnon, *Introduction*.

6 See MacKinnon, *Sexual Harassment of Working Women: A Case of Sex Discrimination* (New Haven: Yale University Press, 1979) (laying the foundation for and chronicling the early stages of these developments).


10 #SayHerName is a movement organised since 2014 by the African American Policy Forum (AAPF) to lift up Black women and girl victims of police brutality and other anti-Black misogynist aggression, historical and contemporary. Among other actions, it organises vigils, demonstrations, meetings, and marches, issues reports, and features a Mothers Network for survivors of murdered Black women and girls. See Homa Khaleeli, “#SayHerName: Why Kimberlé Crenshaw Is Fighting for Forgotten Women”, *Guardian*, 30 May 2016, www.theguardian.com/lifeandstyle/2016/may/30/sayhername-why-kimberle-crenshaw-is-fighting-for-forgotten-women…r


12 The presidency of Bill Clinton was derailed by sexual harassment charges that culminated in impeachment. The cases of Monica Lewinsky and Paula Jones are considered in MacKinnon, afterword to *Directions in Sexual Harassment Law*, ed. MacKinnon and Reva B. Siegel (New Haven: Yale University Press, 2004), 687.


15 I tried to get journalists to do this over twenty years ago in a Keynote Address at the Journalism and Women Symposium (JAWS) (13 September 1998). For the published version, see MacKinnon, “Mediating Reality”, in *Women’s Lives, Men’s Laws*, 289 and 293:

What women in the media can do, and sometimes win the fight to do, is place their stories of men’s sexual mistreatment of women in real context. Sexual abuse is an everyday event — common, systematic, nonexceptional. Talk about it as if you know what you are talking about. Women in the press have been abused just as vast numbers of women in every profession have. Report and analyse events as if you live in the world we know we live in, in which sexual use, manipulation, and abuse can be believed to happen because they do happen. Talk about it as if it hurts and as if it matters because it does hurt and it does matter.


20 See, e.g., “Catholic Church Child Sexual Abuse Scandal”, *BBC News*, 26 February 2019, www.bbc.com/news/world-44209971 (referencing a Church-commissioned report concluding that “more than 4,000 US Roman Catholic priests had faced sexual abuse allegations in the last 50 years, in cases involving more than 10,000 children — mostly boys”). Needless to say, the numbers have only increased in the intervening years, the total victimised worldwide almost certainly unknowable.

Global #MeToo


22 This is especially evident in the case of Catholic nuns and other women who have adopted the hashtag #NunsToo. See, e.g., Kathleen McPhillips, “The Catholic Church Is Headed for Another Sex Abuse Scandal as #NunsToo Speak Up”, Conversation, 14 February 2019 (reporting that women theologians “influenced by the success of the #MeToo movement” ... convened a meeting — called Voices of Faith — in Rome to share their stories of sexual harassment and abuse at the hands of male clerics, and decry the patriarchy of the Catholic hierarchy”), http://theconversation.com/the-catholic-church-is-headed-for-another-sex-abuse-scandal-as-nunstoo-speak-up-111539; Sylvia Poggioli, “After Years of Abuse by Priests, #NunsToo Are Speaking Out”, NPR, 18 March 2019 (quoting a Belgian expert on the sexual abuse of minors and vulnerable adults who opined that “the movement of #MeToo has absolutely [had] an influence” on the willingness of Catholic nuns to speak out), www.npr.org/2019/03/18/703067602/after-years-of-abuse-by-priests-nunstoo-are-speaking-out.


25 Harassment claims can be brought against individual defendants in California under the Fair Employment and Housing Act, Reno v. Baird, 18 Cal. 4th at 644, 76 Cal.Rptr. 2d 499, 957 P.2d 1333 (Cal. 1998), although discrimination claims cannot. California separately legislated against discrimination and harassment, making harassment actionable “by an employer or any other person”. § 12940, subd. (b)(1), which liability can extend to nonsupervisory coworkers. Cal. Gov. Code § 12940(j)(3).

26 Prosecutor v. Akayesu, Case No. ICTR 96-4-T, Judgement, ¶¶ 688 (2 September 1998).


34 This is a conservative extrapolation derived from combining Diana E. H. Russell, The Secret Trauma: Incest in the Lives of Girls and Women (New York: Basic Books, 1986), 62 (finding that 38% of subjects in a study conducted in San Francisco in 1977 had been sexually abused by physical contact before the age of majority), with Linda Meyer Williams, “Recall of Childhood Trauma: A Prospective Study of Women’s Memories of Child Sexual Abuse”, Journal of Consulting and Clinical Psychology 62, no. 6 (1994):1167, 1170 (reporting that 38% of women studied did not recall “sexual abuse that they experienced in childhood and that had been documented in hospital records”).

35 See David Finkelhor, “Boys as Victims: Review of the Evidence”, in Child Sexual Abuse: New Theory and Research (New York: Free Press, 1984), 150 (presenting evidence showing that 2.5 to 8.7% of adult male subjects had been sexually victimised as children); Stefanie Doyle Peters et al., “Prevalence”, in A Sourcebook on Child Sexual Abuse, ed. Finkelhor (Beverly Hills: Sage Publications, 1986), 15 (reviewing studies finding prevalence rates of child sexual abuse among boys ranging from 3 to 31%). For illuminating comparative data on the lifetime prevalence of sexual abuse in children of both sexes, see Amy Young et al., “Alcohol-Related Sexual Assault Victimization Among Adolescents: Prevalence, Characteristics, and Correlates”, Journal of Studies on Alcohol and Drugs 69, no. 1 (2008): 39 (finding that 11.5% of women and 6.1% of men reported intercourse and other sexual violence as children; 46.2% of women and 26.2% of men reported other contact abuse such as fondling, touching, and kissing; 48.4% of women and 26.6% of men reported mixed abuse or an unspecified type of sexual
abuse; and 67.3% of women and 40.9% of men reported sexual abuse that did not involve contact, such as indecent exposure and inappropriate sexual solicitation).


Bibliography


Prosecutor v. Akayesu, Case No. ICTR 96-4-T, Judgement, ¶¶ 688 (2 September 1998).


