GENDER AND SEXUALITY IN THE WORKPLACE

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GENDER AND SEXUALITY IN THE WORKPLACE

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INVESTOR IN PEOPLE

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INTRODUCTION

Christine L. Williams and Kirsten Dellinger

In February 2010, American women for the first time outnumbered men in the paid labor force. But instead of heralding an era of equality, this news was reported as a symptom of economic recession (Rampell, 2010). It will take much more for gender equality to be achieved. Women workers are still paid less than men, currently about three-quarters of men's income if they work full time and year round (Institute for Women's Policy Research, 2010). Women are also excluded from the top positions in industry, leading only 3 percent of the Fortune 500 companies in 2010 (Catalyst, 2010). Throughout the labor force, men and women are concentrated in different jobs, and different specialties within jobs, with women in the lower paid, less powerful, and less prestigious positions (England, 2010; Padavic & Reskin, 2002). Gender inequality is also evident in sexual harassment and bullying, all-too-common experiences in many workplaces (Welsh, 1999).

Why is gender inequality seemingly impervious to change? This volume offers new and cutting-edge theory and research to explain this persistent inequality in the workplace. Its goal is to showcase scholarship that approaches the study of gender inequality in new ways. The chapters in this volume are challenging conventional theories and assumptions that have long guided sociologists' understanding of gender inequality in the workplace, in part by highlighting the ways that gender and sexuality are indelibly linked. Hegemonic meanings of masculinity and femininity assume heterosexuality, so that discrimination against women is almost always associated with discrimination against gays and lesbians.

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However, the book's title is slightly misleading in one sense: *Gender and Sexuality in the Workplace* suggests that gender and sexuality are added into otherwise gender-neutral and asexual workplaces. But as feminist scholars argue, gender and sexuality are not separate from workplaces, or any social institution for that matter (Acker, 1990, 1992; Hearn & Parkin, 1987; Scott, 1986; Stacey & Thorne, 1985). Organizations are constituted in and through gender discourses; they are built on binary logics of masculine/feminine and heterosexual/homosexual; they produce gendered and sexual identities. As these chapters attest, given that gender and sexuality are built into the structures and ideologies that constitute organizations, achieving gender equality in the workplace will entail much more than equalizing the numbers of men and women in the work force.

OLD AND NEW PERSPECTIVES

The chapters in this volume are the fruit of a feminist revolution in sociology that transformed conventional ways of thinking about work in the 1990s. Prior to the feminist revolution, the most important sociological theories that accounted for gender inequality in the workplace were human capital theories and socialization theories, both of which blamed women workers for their lower status and pay in the workplace (Schilt, 2010; Williams, 1995). Human capital theories argue that men and women receive different pay-offs from employment because they invest differently in their careers (Padavic & Reskin, 2002; Blau, Ferber, & Winkler, 1998; Polachek, 1981). Men seek higher education, skills training, and overtime at work because they are family breadwinners whose major responsibility is to support their wives and dependent children. Meanwhile, women invest less in the human capital valued by workplaces because their primary commitment is to their families. This theory assumes the heterosexual nuclear family, which is no longer the typical family form (Coontz, 1997). This rational choice perspective also fails to explain recent trends in women's educational attainment and labor force participation rates, now estimated to be equal to if not greater than men's (England, 2010).

Socialization theory, in contrast, posits that gender differences in the workplace are produced through early childhood learning instead of the rational choices of individuals. Boys and girls, men and women, pick jobs that are consistent with society's definitions of masculinity and femininity. Thus, boys want to be firemen, girls want to be nurses. Society sorts boys and girls in this way supposedly because a combination of the different

instrumental and expressive qualities they embody is needed to insure social stability (Parsons, 1955). Ironically, this theory was popular in sociology at a time when women were essentially barred from top professional and managerial occupations.

A third influential theory of gender inequality in the workplace prior to the feminist revolution was that of Rosabeth Moss Kanter (1977). Kanter claimed that the problems that working women faced were the result of sex segregation and tokenism. Women developed so-called "feminine" qualities, she argued, not because of early socialization, but because they were trapped in jobs where they were required to be submissive, solicitous, and nurturing. Put a man in such a job, and he too would develop these qualities. Tokenism refers to how numerical minorities in jobs are subjected to performance pressures and stereotyping. If a workplace has only one woman, or only one Latino, they stand out more and how they perform is taken to be characteristic of all members of their group. Majority group members engage in "boundary heightening." This kind of pressure typically results in either failure for the minority group member, or the "queen bee syndrome," where the token disavows any connection to their group in an attempt to succeed.

In 1990, Joan Acker published her article called "Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations." This was a ground shift in theory on gender and work. She argued that these previous perspectives were deficient because they presumed that workplaces are rationally organized and gender-neutral. Kanter as well as the human capital and socialization theorists were mistaken in their beliefs that there is a sound and necessary logic to the organization of the labor market – that jobs are generated according to a rational plan and then the most qualified person for the job is slotted into each job. Acker says that this is all wrong. For most high-paying and high-power jobs, the ideal worker has a gender, and that gender is "male." Her "theory of gendered organizations" argued that much sociological theory obscures gender inequality by deploying the myth of the disembodied worker with no obligations outside of work – an ideal that excludes many women with primary childcare responsibilities. Gender also enters into the elaboration of job descriptions, hierarchy, workplace culture, and interactions. As Acker argues, "gender is present in the processes, practices, images and ideologies, and distributions of power in the various sectors of social life" (1992, p. 567). It is inherent in organizations and social institutions, not epiphenomenal to them.

The majority of chapters in this volume are influenced by Acker's theory of gendered organizations. They show how gender is not only a property of

individuals, but is also embedded in the jobs that workers perform and in the norms that govern workplace interactions. According to these chapters, workplaces produce gender inequality – and other forms of inequality as well (Acker, 2006).

The feminist revolution of the 1990s also transformed understanding of men's power in society. Previous theories that recognized the operation of patriarchal power tended to ascribe it to men in general, arguing that something inherent in men drove them to dominate and oppress women (MacKinnon, 1987; Rich, 1980). This expression of power is evident today in organizations where women workers confront extremely exploitative and oppressive conditions (e.g., Bank-Muñoz, 2008). But in most workplaces, men's power is much more diffuse than this, and it is driven more by consent than coercion. R. W. Connell's theory of "hegemonic masculinity" transformed feminist understanding of patriarchy by detailing the mechanisms of consent (Connell, 1995; Connell & Messerschmidt, 2005). Hegemonic masculinity refers to the currently accepted answer to the question of male domination. It consists of "configurations of practices generated in particular situations in a changing structure of relationships" (Connell, 1995, p. 81). Connell argues that in the face of feminist challenge, there must be an answer to the question, "Why do men get the best jobs?" A great deal of cultural work must be undertaken to justify this; hegemonic masculinity is the result. Importantly, this "answer" does not describe what real men are or what they do; it is an ideology that justifies men's power and that most people readily accept. Many men benefit from this configuration of practice, earning what Connell calls a "patriarchal dividend" whether they conform to or even agree with its dictates. However, some groups of men, especially those marginalized by race and sexuality, may not benefit at all, and must fight defensively to claim advantages over women.

This understanding of men's power as diffuse, dynamic, and ideological emphasizes that gender inequality depends on the complicity of both men and women. Some of the chapters in this volume highlight this. We learn about men in nursing, women professional chefs, Army women in training, and Indian surrogate mothers – all groups who are disadvantaged by hegemonic masculinity yet driven to support it in their work. Achieving greater gender equality in the workplace would require acknowledging this complicity and dismantling its institutional support.

Several of the chapters have also been influenced by the theory of intersectionality, an approach to studying gender that takes race/ethnicity, class, and sexuality into account (Crenshaw, 1991; Collins, 2000). Like Connell's work, this approach treats gender not as an abstract and timeless essence, but as an embodied and historical practice. It insists that claims

about gender take into consideration how the *particular* men or women whose experiences are being analyzed are located in relation to race, class, sexuality, age, and nation. As Patricia Hill Collins argues, this perspective recognizes that "oppression cannot be reduced to one fundamental type, and that oppressions work together in producing injustice" (2000, p. 18). Moreover, as a geometric metaphor, "intersectionality" draws attention to how meanings of social identities are socially constructed through binary oppositions: masculine/feminine, male/female, white/black, straight/queer, rich/poor. Collins (2000) refers to the actual organization of these intersecting systems of oppression as the matrix of domination. Workplaces reify this multidimensional matrix insofar as workers are expected to match the stereotypical expectations associated with particular job descriptions, which gives them access to differing amounts of power. The chapters in this volume draw our attention to how these binaries are reinforced and occasionally resisted in the workplace as workers negotiate organizational policies, practices, and ideologies that perpetuate unequal access to power.

Previous feminist analyses argued that qualitative methodologies are better suited than quantitative ones at documenting the workplace dynamics that reproduce gender inequalities (Smith, 1987; Stacey & Thorne, 1985). The chapters in this book utilize a range of methodological approaches, premised on the beliefs that all social research must be reflexive (emphasizing the social construction of data), and that choice of method should be dictated by the research question. The chapters using in-depth interviews and ethnographic observation uncover worlds of work among professional chefs, Army recruits, entertainers in theme park parades, African-American men nurses, restaurant servers, women in Japanese corporations, and surrogate mothers in India. The chapters based on survey research and content analysis explore small business owners and the wage gap, the dynamics of worker job satisfaction, organizational policies on gender expression at work in Fortune 500 companies, and the history of legal cases linked to appearance discrimination.

In the following text we provide a more detailed overview of the chapters and the themes around which they are organized: intersectionality; gender stereotypes at work; law and policy; heteronormativity; and the transnational workplace.

INTERSECTIONALITY IN THE WORKPLACE

An excellent demonstration of the value and importance of the intersectional perspective is Adia Harvey Wingfield's chapter, "Caring, Curing, and

the Community: Black Masculinity in a Feminized Profession,'' which examines the experiences of African-American men in the female-dominated field of nursing. Other research suggests that men gain unearned gender advantages in female-dominated fields and often experience pressure to ''move up'' to leadership positions seen as ''more appropriately masculine'' for men (Williams, 1995). Harvey Wingfield, however, suspects that these benefits only accrue to white men. Her study demonstrates how patients, colleagues, and supervisors often question African-American men's nursing skills and fail to consider them for promotions at work. Harvey Wingfield argues that in an attempt to negotiate this context of gendered racism the nurses she interviewed construct marginalized masculinities. They embrace ''caring'' as something ''real men'' do and they define their own success in light of the value their work is given in African-American communities and the ways they see themselves contributing to the health of these communities. This study adds to the research on gender, sexuality, and work by carefully examining how male privilege must be analyzed through the lens of race and racism. It also contributes to a better understanding of how African-American men actively resist work contexts where their skills are questioned.

Dina Banerjee and Carolyn C. Perrucci's chapter, ''Job Satisfaction: Impacts of Gender, Race, Worker Qualifications, and Work Context'' also demonstrates the value of an intersectional perspective. Their chapter addresses a long-standing paradox in the sociology of work: women report higher job satisfaction than men, even though their jobs offer less prestige, autonomy, and authority than men's jobs. Parsing out their survey results by race and gender reveals that it is not all women, but mostly white women who attest to high levels of satisfaction. Nonwhite workers have lower job satisfaction rates than white workers, regardless of gender. The authors attribute white women's higher job satisfaction to having supportive supervisors and coworkers, which may be a feature of jobs where white women are clustered. Racism encountered by black men and women might impede their access to this important source of job satisfaction.

GENDER STEREOTYPES AT WORK

Gender stereotypes play a role in allocating women to lower-paying and lower-status jobs. Women are thought to be more tractable, patient, and nurturing than men, while men are believed to possess qualities associated with rationality and leadership (Williams, 1995). As intersectionality theory

attests, these specific stereotypes do not apply to all groups. Nevertheless, every group encounters gender stereotypes on the job: employers sort workers into different jobs on the basis of their gender, race, and sexual prejudices, and to some extent, workers themselves come to define themselves though the stereotypes associated with them on the job (Ridgeway, 2009).

Do gender stereotypes necessarily condemn women to lower positions in the labor force? The possibility that women may benefit from certain stereotypes about their supposed caring and supportive natures is taken up by Deborah A. Harris and Patti A. Giuffre in "Not One of the Guys: Women Chefs Redefining Gender in the Culinary Industry." These authors argue that women chefs redefine femininity as a source of strength instead of a deficit in their careers. Facing a cooking establishment that stereotypes women as unfit workers and ineffective leaders, women insist instead that they are better chefs than men precisely because of their femininity. They describe themselves as more sensual, caring, neat, patient, and respectful of others – qualities that they think make them excellent cooks and managers. Men in contrast are defined as egocentric, competitive, domineering, and messy. Thus women chefs use gender stereotypes to argue for access to the top jobs. The ultimate result may be to reify gender differences, or, the authors hope, to undermine masculine privilege and promote a more professional workplace culture. They suggest that more women in positions of leadership in professional kitchens would transform relationships to make them more respectful and equal.

But do women leaders promote gender equality? Andrew M. Penner and Harold J. Toro-Tulla provide compelling evidence to the contrary. In "Women in Power and Gender Wage Inequality: The Case of Small Business," they show that women who own small businesses do not necessarily challenge gender inequality in their work organizations. Their study of the wage gap among employees in male-owned and female-owned businesses finds little difference between them. In other words, their research indicates that men workers receive a wage premium even when women are in charge. Granted, women own a minority of all small businesses. But it is discouraging to learn that employees working in male- and female-owned businesses experience similar levels of gender wage inequality. Getting women into positions of power may not be enough to bring about gender equality in the workplace.

Women leaders do not automatically create more gender equality at work perhaps because gender is not solely a feature of individuals, but a property of the jobs themselves. This is demonstrated vividly in Stacie R. Furia's insider look at the U.S. Army. Her chapter, "Navigating the Boundaries:

Army Women in Training," shows that women soldiers are often trapped in no-win situations. On the one hand, if they behave in "feminine" ways, they draw criticism and sanction for violating Army regulations about what soldiers are supposed to do. But if they try to embody the soldier ideal and excel at the feats defined as "masculine," they are held up as exceptions – and thus used to criticize other women – or else they are suspected of homosexuality. Best to lay low and be inconspicuous, but that is nearly impossible too, since women's bodies stand out in this hyper-masculine environment. Furia concludes that to succeed in the Army, women must constantly strategize around their gender performances, changing their gender tactics to suit the particular context.

POLICY AND LAW

As Furia indicates, women in the Army who successfully compete on men's terms are suspected of homosexuality, a career-ending possibility under the current military policy of "don't ask, don't tell." This illustrates the profound connection between gender inequality in the workplace and discrimination against gays and lesbians. The law makes a distinction, however: discrimination on the basis of sex and race is illegal, but discrimination on the basis of sexual orientation and gender presentation is not. Lacking legal protections, gays and lesbians face widespread discrimination in hiring, firing, and promotions, as do women who are considered too "masculine" and men considered too "feminine."

Courts have upheld employers' rights to demand worker compliance with appearance standards in the workplace. Employers often require workers to dress and groom themselves in particular ways in order to represent the organization in a favorable light. This "aesthetic labor" is deeply gendered, with different policies governing the appearance norms of men and women (Williams & Connell, 2010). Virtually every aspect of personal comportment and grooming has been the subject of these rules, including hair length, tattoos, makeup, and clothing styles. Since gender is produced in and through stylized and embodied performances, these standards amount to constraints on gender expression. However, in some instances, workers fight back. Mary Nell Trautner and Samantha Kwan analyze discrimination lawsuits in their chapter, "Gendered Appearance Norms: An Analysis of Employment Discrimination Lawsuits, 1970–2008." Their survey of almost 40 years of these lawsuits finds that men and women are equally represented among litigants, but that neither group is particularly successful

at fighting appearance regulations in court. Federal courts generally enforce appearance norms that support traditional ideas about gender and sexuality.

This research by Trautner and Kwan suggests that transsexual and transgender workers may be especially vulnerable to employer sanction for failure to conform to conventional gender presentation. Their study makes a compelling case for new federal protections for gender expression in the workplace. Some employers are a step ahead, implementing such policies even in the absence of a federal mandate. Christin L. Munsch and C. Elizabeth Hirsh examine large companies that have adopted such protections in their chapter, "Gender Variance in the Fortune 500: The Inclusion of Gender Identity and Expression in Nondiscrimination Corporate Policy." Remarkably, they find that over 40 percent of Fortune 500 companies now include gender identity and expression in their nondiscrimination policies. Their chapter identifies the reasons for their adoption of these protections, despite the lack of widespread legal and popular support for them. While their research cannot assess the effectiveness of these policies, they convincingly argue that corporations with these policies send a powerful signal to all of their employees to embrace greater tolerance for gender variance.

HETERONORMATIVITY IN THE WORKPLACE

Laws and policies are supposed to shape workplace practice, but everyday interactions in the workplace can bear little in common with the spirit or even the letter of the law. A case in point is sexual harassment law. Although technically illegal, unwanted sexual behavior that is experienced as a threat to job performance is in fact pervasive throughout the labor market. "Talk, Touch, and Intolerance: Sexual Harassment in an Overtly Sexualized Work Culture" by Karla A. Erickson uses an ethnographic study of work in a Tex Mex restaurant in Minnesota to highlight the ways that heterosexual banter and play are built into the job requirements of being a server and are experienced as a "fun" part of the job for many of the workers interviewed. Claims of sexual harassment are rare, but when they do occur, they involve complaints about the "Mexicans" in the kitchen. Using a white woman server's claim against the "Mexican" cooks as the basis of her analysis, Erickson argues that sexual harassment at the Hungry Cowboy functions to exclude racialized others from participation in an all-white form of workplace culture. This study reminds us that sexuality is an integral part of

work, not something that people bring with them to an otherwise neutral work space. In addition, the construction of sexuality at work as pleasurable or dangerous is more complex than models of sexual harassment that define women as victims and men as aggressors. Sexuality is a system of power that can define in-groups and out-groups based on race and ethnicity and other social categories.

"Sexual Harassment and Gendered Organizational Culture in Japanese Firms" by Kumiko Nemoto draws our attention to the importance of national context for the study of gender, sexuality, and work at a variety of levels. The legal frameworks nations use to define sexual harassment through "human rights," "individual rights," or "gender employment discrimination" lenses impact the tools available for people to respond to this social problem. The gendered division of labor in a country and assumptions about men's and women's proper roles also impact how likely harassment is to occur and whether it will be defined as a problem. In this study, workplace culture as context is brought to the fore as we hear how women in Japanese companies make sense of heterosexualized work practices in various settings related to their work. The chapter effectively points out that even in a single company there are actually many workplace cultures or contexts that workers negotiate. The author finds that taken-for-granted cultural practices such as entertaining clients at hostess or sex clubs or participating in after-work drink meetings that occur outside of the office are very much a part of work but are unlikely to be defined as sexual harassment. Repetitive or threatening sexual advances occurring in the office during normal working hours are more likely to be seen as unacceptable and actionable.

Both Erikson's and Nemoto's studies focus on heteronormative workplaces, where beliefs that heterosexuality is natural, normal, and inevitable prevail. In contrast, David Orzechowicz explores gender, sexuality, and race in a homonormative work culture. "Fierce Bitches on Tranny Lane: Gender, Sexuality, Culture, and the Closet in Theme Park Parades" explores a workplace where gay men are dominant, both in terms of numbers and organizational power. This ethnographic exploration of dancers' and performers' work in a department called "Parades" at a national theme park carefully identifies how gay men create a gay-friendly "camp" culture at work that emphasizes a specific way of talking, referencing popular culture, dressing, and interacting that defines gay men's lives as the norm. The workers identify this context as valuable and unique because of the ease they feel being open about their gender and sexual identities at work. Despite the fact that the practices and values supported in this workplace challenge

hegemonic heterosexual masculinity, the way that sexuality is defined and performed fails to dismantle the gay/straight binary. The need to identify as gay "or" straight is reinforced through everyday interaction and joking. Assumptions that male homosexuality is the norm works to obscure and by default devalue female homosexuality. And "doing gayness" in a camp "over the top" style narrows what version of homonormativity is supported and may silence other performances of gender and sexuality at work. This chapter provides a valuable analysis of how workers actively create a workplace culture that challenges assumptions of heterosexuality and what consequences this culture has for gay and straight men and women at work.

Some have argued that the key to eliminating sexual harassment is to ban sexuality from workplaces (for an overview see Schultz, 2003). This seems an unrealistic goal as long as people are involved, with their messy emotions, desires, and ambivalences. But it may be possible to "queer" organizations by challenging the binary logics that maintain the fiction of gender neutrality – and race and sexual neutrality as well (Williams, Giuffre, & Dellinger, 2009). By emphasizing gender variance instead of the gender binary, revealing the double standards in the definition of sexual harassment, and highlighting the heteronormative elements of workplace culture, these chapters take a critical step toward imagining a future of greater economic justice and equality.

THE TRANSNATIONAL WORKPLACE

The final chapter in this volume demonstrates the need to move beyond national boundaries when examining the future of gender and sexuality at work. In this era of globalization and outsourcing, consumer decisions made in this country indelibly impact workers around the world. "Making India the Mother Destination: Outsourcing Labor to Indian Surrogates," by Sharmila Rudrappa, provides a transnational feminist analysis of surrogacy. The study focuses on the creation of consumer markets in the United States, composed of intended parents wanting children genetically related to them, and labor markets in India, made up of women who are deemed willing and able to carry and give birth to those children. A number of institutions mediate the relationship between the consumer market and the labor market: U.S. intended parents utilize Internet and media resources and agencies to seek information about how to secure the services of Indian women surrogate workers. Studying surrogacy as work follows in the

tradition of feminist scholars who challenge the notion that production, reproduction, and consumption occur in separate and distinct spheres (Smith, 1987; Young, 1997). It allows us to examine the motivations parents have for traveling halfway around the world to have a child that is genetically "theirs" instead of building a family through adoption. It also explores how women come to work as surrogates and how the labor market in India makes this an attractive comparative option for some women. The study forces us to confront the global economic relations that structure and support gendered ideologies of family and that sustain the inequality of reproductive work.

CONCLUSION

All of the chapters in this volume demonstrate the kinds of questions we must continue to ask to better understand how to achieve gender and sexual equality at work. This ongoing project will necessitate conceptualizing gender and sexuality as interlocking systems of power that advantage some groups over others, but never in simple and straightforward ways. We must continue to move away from the binary frame that views women as powerless and men as powerful at work and continue to develop rich analyses of the conditions under which advantages and disadvantages accrue to certain workers in certain contexts. This includes understanding how women can embrace cultural beliefs about gender and sexuality that perpetuate male dominance as well as the ways that men may do masculinities at work in ways that challenge gender and sexual inequality. We must pay continued attention to which men and which women's experiences we are examining with an eye to the complex ways that race, class, gender, and sexuality shape workers access to power (and how workers accommodate and resist these systems of inequality and privilege). Future research must include careful examination of the ways that "context" – whether defined as workplace culture or nation – shapes the type of gender and sexual inequality workers confront. We will need to continue to track the causes and consequences of the wage gap, sexual harassment, job satisfaction, workplace policies and laws, transnational economic and cultural flows, and workers' agency and resistance with continually emerging theoretical frameworks and methodological designs that make the complex relationship between gender *and* sexuality central to the analysis.

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CARING, CURING, AND THE COMMUNITY: BLACK MASCULINITY IN A FEMINIZED PROFESSION

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ABSTRACT

Men maintain advantages in "women's" professions in large part because masculinity retains higher status than femininity even in feminized jobs mostly filled by women. Thus, men in these jobs tend to perform masculinity in very traditional ways, and are generally rewarded with increased access to higher-status positions, often with the cooperation and approval of their women coworkers. Yet much of the research in this area has neglected to explore how race intersects with gender to shape the ways men perform masculinity when they are employed in professions where they do "women's work." How do men of color perform masculinity in female-dominated jobs? Are they able to engage in the expressions of masculinity documented among their white counterparts? Based on semi-structured interviews with black men nurses, I argue that these men encounter gendered racism from colleagues, supervisors, and customers that impacts the ways they construct and perform masculinity.

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Masculinity studies have become an increasingly important area of gender research over the years, as scholars have attempted to develop theoretical concepts of masculinity, explain how and why men enact masculine behaviors, and assess the factors that shape such performances (Connell, 1995; Kimmel, 2008; Pascoe, 2005). One main social site in which sociologists have examined the performance of masculinity is in the workplace, especially among men who work in "women's" occupations (Dellinger, 2004; Lupton, 2006; Pierce, 1995; Williams, 1989, 1992, 1995). Given the gendering of occupations, certain work is seen as more appropriate for women, especially if that work is thought to require traits like nurturing, caring, and empathy – traits typically seen as feminine. Thus, focusing on the experiences of men who do "women's" work provides a particularly appropriate opportunity to understand how gender orchestrates and structures the workplace, workers' interactions, and their resultant economic rewards.

Yet while sociologists know much about the experiences of men in gendered occupations, little research explicitly considers whether race complicates the ways men perform masculinity when they do "women's work." Essed (1991) has argued that minority men and women experience a gendered racism that colors the types of stereotypes and imagery they counter in routine social interactions. Consequently, gendered racism may be an important factor in the ways black men in feminized fields perform masculinity. Occupations are rarely gendered in ways that produce egalitarian outcomes for men and women, but is this picture complicated by gendered racism when we focus on men of color? Does race impact the ways they perform masculinity in gendered occupations? In this chapter, I argue that intersections of race and gender inform both the challenges black men experience in culturally feminized occupations as well as the strategies they use to enact masculinity.

THEORETICAL FRAMEWORK

Masculinity and work studies provide an important framework for understanding men's behavior, attitudes, and actions in various settings. Connell's (1995) conceptualization of hegemonic masculinity has been a cornerstone of many recent masculinity studies. Connell (1995) argues that rather than simplistically assuming only that men subjugate women, a more refined analysis is necessary. Thus, the concept of hegemonic masculinity contends that there are multiple masculinities, but a hegemonic version is idealized and normalized. Currently, the hegemonic masculine ideal involves

several factors: flaunting status and status symbols, elevation of intellect and rationality over emotion, a willingness to take risks, the ability to demonstrate power, and perhaps most importantly, the repudiation of femininity as different from and less than masculinity (Kimmel, 2001, 2008). It also implicitly entails being white, male, heterosexual, wealthy, able-bodied, and of American nationality. Most men do not realize all components of hegemonic masculinity, yet many still support it as an ideal. As Goffman (1963) noted long ago:

> In an important sense there is only one unblushing male in America: a young, married, white, urban, northern, heterosexual, Protestant father of good education, fully employed, of good complexion, weight, and height, and a recent record in sports. Every American male tends to look out upon the world from this perspective … Any male who fails to qualify in any one of these ways is likely to view himself – during moments at least – as unworthy, incomplete, and inferior.

Hegemonic masculinity is also historical, changing depending on the economic and social interests of the times.

For men who do "women's work," employment in these female-dominated jobs is often linked to the performance of hegemonic masculinity. Williams (1995) documents this in her classic study of men who do such work, finding that the expectations, requirements, and duties attributed to "feminine" jobs lead men employed in these professions to endorse hegemonically masculine ideals and perform masculinity in very traditional ways. Given that these men work in jobs that are thought to require "feminized" traits like nurturing and caring, they often reject these attributes in order to establish themselves as wholly masculine. As Williams writes, "because their masculinity is not automatically vindicated through their jobs (as it may be for men who work in more traditional lines of work), they engage in various strategies to demarcate and distinguish themselves from their female colleagues" (1995, p. 122).

Attempts to achieve hegemonic masculinity lead men to employ various strategies. They self-segregate from their women colleagues, concentrate in the more "masculine" areas of their jobs, and perhaps most importantly, detach themselves from the feminized characterizations of their work. Hence, men nurses may strive for hegemonic masculinity by seeking supervisory positions, working in the operating room rather than in pediatrics, and downplaying the caring, nurturing qualities that are an important component of their jobs (Heikes, 1991; Williams, 1995). These strategies enable men to assert and maintain masculinity, but perhaps more

importantly, their actions uphold the hegemonic tenets that at its core, masculinity is fundamentally different from and better than femininity.

These studies suggest that the concept of hegemonic masculinity provides a useful tool for understanding the ways men conceptualize and perform masculinity, as well as how various forms of masculinity relate to and depend upon one another. Yet while Connell (1995) has acknowledged that hegemonic masculinity is constructed in part by its contrast to the marginalized masculinities enacted by men of color, working class men, and other groups, the research on gendered occupations rarely problematizes race to consider whether and how minority men in these jobs perform masculinity. Thus, while existing studies find that working in "female" jobs may push men to emulate the hegemonic masculine ideal, it is not certain that men of color in these occupations will similarly strive to embody this model.

In a theoretical paper updating and further developing the concept of hegemonic masculinity, Connell and Messerschmidt (2005) call for more attention to the gender hierarchy and the ways in which various forms of masculinity interact with and relate to each other. Specifically, they identify the need for renewed attention to "relations among masculinities" and the level of agency displayed by racial or ethnic minority men who may develop marginalized masculinities (Connell & Messerschmidt, 2005, p. 847). These marginalized masculinities may be nonhegemonic, but they run the risk of being integrated into a "hegemonic bloc" that appropriates some aspects of nonhegemonic masculinity but still legitimizes and maintains the system of patriarchy (Connell & Messerschmidt, 2005; Demetriou, 2001; Yeung, Stombler, & Wharton, 2006). Although hegemonic masculinity has been defined in part by its difference from femininity and marginalized masculinities, these marginalized masculinities warrant further attention because of their potential to establish nonhegemonic patterns as well as the possibility that they may be co-opted into the hegemonic ideal.

The emphasis on marginalized masculinities offers a theoretical frame for understanding how racial and ethnic minority men construct and perform masculinity that reflects (or rejects) the hegemonic ideal. In an analysis that builds directly on the concept of hegemonic masculinity, Chen (1999) argues that Chinese American men strike a "hegemonic bargain" wherein they trade on privileges afforded by other status categories (e.g., nationality, sexuality, class) in order to achieve manhood and offset the racial disadvantage that impedes access to hegemonic, "unblushing" masculinity. Through strategies like compensation, deflection, denial, or repudiation,

these men "trade advantages conferred by one part of the social order for the advantages of another" (Chen, 1999, p. 604). This trade enables them to achieve some aspects of hegemonic masculinity, despite the fact that their racial/ethnic status precludes them from fully achieving the hegemonic masculine ideal.

Other racial minority men may use similar strategies to counteract racism and achieve masculinity. In studies of African-American men, Majors and Billson (1992) find that as institutional racism blocks access to traditional markers of masculinity like occupational status and economic stability, black men may alternately seek masculinity through the adoption of the cool pose. Cool pose is defined as the unemotional demeanor that black men employ to shield and protect themselves from the consequences and manifestations of racism in their lives. This allows black men to achieve the hegemonic masculine ideal of being emotionally detached, despite the fact that racism renders other ways of doing masculinity unattainable. Similarly, Ferguson (2000) argues that black boys in public schools do masculinity by being tough, challenging authority, and asserting themselves. While these behaviors help them navigate the crises they face in their neighborhoods, in elementary schools these traits are interpreted to reinforce stereotypes about black masculinity and black boys and men in particular, especially the ideas of black male criminality. Despite the indication that these strategies are popular among some groups of black men, several theorists have argued that these strategies for masculinity ultimately hinder African-American boys and men from developing fulfilling relationships with women, children, and other men (hooks, 2004; Neal, 2005).

Black men do not always attempt to conform to the hegemonic ideal; in some cases they perform a nonhegemonic masculinity that departs from hegemonic values. Lamont (2000) notes that working-class black men in the United States and in France develop a "caring self" in which they emphasize values like "morality, solidarity, and generosity" (2000, p. 47). As a consequence of these men's ongoing experiences with racism, they develop a self that highlights working on behalf of others as an important tool in fighting oppression. In still another case, Pascoe's (2005) study of high school boys shows that these boys do masculinity through a repudiation of the "fag" identity; however, this identity is constructed in racialized ways that allow black boys to engage in behaviors like dancing and focusing on clothes without being subjected to this label. These studies speak to Connell and Messerschmidt's (2005) claim that marginalized masculinities emerge in response to men's experiences with other structural inequalities like racism, class inequality, or heterosexism.

These studies suggest that in some cases, men of color may attempt to achieve hegemonic masculinity through strategies like the hegemonic bargain or the cool pose (Chen, 1999; Majors & Billson, 1992). Research in this vein also underscores that performances of masculinity are changing and context-specific – the masculinity that is useful in the working class and poor neighborhoods of the boys in Ferguson's (2000) study is devalued in their elementary schools. Additionally, as other research shows, the constraints of racism and existence of hegemonic masculinity may, paradoxically, create nonhegemonic forms of masculinity – dancing and establishing the caring self – that are mostly used by racial/ethnic minority men (Lamont, 2000; Pascoe, 2005).

These theoretical arguments provide a useful frame for considering how black men perform masculinity, particularly when they are employed in occupations that are predominantly filled by women. As Connell and Messerschmidt (2005) have noted, there is little empirical work that examines the marginalized masculinities of men of color. Yet black men encounter gendered racism in many settings, often in the form of stereotypes and controlling images that they are athletes, criminals, absent fathers, and/or angry black men (Collins, 2004; Essed, 1991; Harvey Wingfield, 2007). These images impact black men in the workforce by casting them as threats and predators who are unsuited for white-collar work, while simultaneously legitimizing a model of black masculinity that is nonthreatening and passive. As such, black men are likely to create a marginalized masculinity that develops in response to experiences with gendered racism and their relationship to the ideals of hegemonic masculinity. Previous research has documented that black men are largely excluded from the processes that create a "glass escalator" phenomenon leading to promotion for their white men counterparts in nursing (Harvey Wingfield, 2009). In this chapter, I build on this existing work to examine the ways black men nurses perform masculinity in this occupational context. I argue that intersections of race and gender create experiences with gendered racism that impede black men nurses' ability to achieve hegemonic masculinity vis-à-vis upward mobility in the profession; as such, they construct marginalized masculinities instead.

DATA COLLECTION AND METHODS

To address these issues, I use data collected through semi-structured intensive interviews with 17 men nurses who identified as black or African-American.

Nurses ranged in age from 31 to 50 and worked in the southeastern United States. Five worked in rural hospitals or clinics, six worked in suburban hospitals adjacent to major cities, and the remaining six were employed in major metropolitan urban care centers. All were registered nurses (RNs) or licensed practical nurses (LPNs), and were employed in specializations ranging from ambulatory care to bedside nursing to dialysis. The least experienced nurse had worked in the field for 5 years; the most experienced had been a nurse for 26 years. Thus, nurses hailed from a variety of backgrounds and specializations. I used a snowball sample to create the dataset. All names and identifying details have been changed to ensure confidentiality.

Interviews were conducted during the fall of 2007. They generally took place in either my campus office or a coffee shop located near the respondent's home or workplace. The average interview lasted about an hour. Interviews were tape recorded, transcribed, and analyzed using grounded theory methods (Glaser & Strauss, 1967). By using constant comparative methods, grounded theory enabled me to identify key concepts that emerged from the data, as well as to explore variations in how these men performed masculinity. Though grounded theory methods did not permit me to draw generalizable conclusions, they did allow me to draw attention to and highlight intersections of race and gender in the ways black male nurses constructed masculinity.

Interview methods also enabled me to highlight intersections of race and gender in black male nurses' performances of masculinity. The semi-structured interview format allows respondents to talk at length about their experiences in nursing, the challenges they face, and how they perceive and understand masculinity. Thus, this framework provides extensive data about respondents' perceptions and performances, and is especially suitable for assessing how both race and gender inform black men nurses' enactments of masculine behaviors.

The researcher's gender can shape the interview; hence, being an African-American woman undoubtedly shaped the rapport between interview respondents and me. Other women sociologists who study men and masculinity have acknowledged the risk of social desirability bias in this type of research (Williams, 1995). In other words, men respondents may be compelled to rephrase responses that might sound harsh in ways that will not be offensive to the woman interviewer. In this case, some respondents may have carefully framed certain answers, like those in which they described women as "naturally emotional." Despite these challenges, the semi-structured interview format enabled the respondents to discuss in detail

their experiences of performing masculinity and to clarify comments diplomatically while still giving honest answers.

I expect that shared racial status also facilitated a level of comfort. Respondents may have felt that our gender differences meant they should carefully word or apologize for certain generalizations about women, but our common racial identity likely led to open discussion about racial issues that arose in the workplace. Gallagher (2000) points out that shared racial status does not necessarily facilitate "automatic cultural access," citing variations in gender, region, nationality, and other categories that can create difference between individuals who share the same racial classification. However, the openness with which respondents frequently discussed issues of racial bias and mistreatment in this study indicates that shared racial status was likely an advantage rather than a potential liability.

Interview questions focused primarily on the men's experiences as black male nurses. Questions addressed respondents' work history, current experiences in the field, how race and gender shaped their experiences as nurses, and their future career goals. The men discussed their reasons for going into nursing, reactions from others upon entering this field, and the particular challenges, difficulties, and obstacles black men nurses faced. Respondents also described their work history in nursing, their current jobs, and their future plans. Finally, they talked about stereotypes of nurses in general, of black men nurses in particular, and their thoughts about and responses to these stereotypes.

FINDINGS

The results of this study suggest that intersections of race and gender are integral in shaping these men's work environment. Black men nurses encounter gendered racism from colleagues, supervisors, and patients, and these interactions profoundly shape the way they experience their work. In turn, this influences the ways black men perform masculinity in the nursing profession. In this section, I discuss two primary ways gendered racism creates obstacles for black men in nursing, and the way these challenges contribute to the enactment and performance of a marginalized masculinity.

"Black Men Prove Themselves More": Perceptions of Unsuitability

Most of the men interviewed for this project described numerous cases in which colleagues, superiors, and even patients made it clear that they did not

see black men as well suited for nursing positions. Often, these interactions relied on and reinforced stereotypes about black men, particularly the idea that they lacked the skill and intelligence nursing requires. Ryan states:

> Black male nurses are exposed to – they have to prove themselves in a different way. This is an 85% white school, so when a black man enters, society thinks nursing is a white female job. If a white man enters, he's just in a different situation. If a black man enters, he must be gay. Black men prove themselves more.

Ryan argues that different expectations are present for black men, and that these lead to specific pressure to prove their interest (and skill) in the profession. Though other studies have argued that men nurses generally confront expectations that they are gay, Ryan suggests that race and gender may make it easier for white men to escape this assumption (Heikes, 1991; Williams, 1995). It may be that the intersection of racial and gender privilege enable white men nurses to shed the assumption of homosexuality more quickly and easily (thus the sense that for them, it is "just a different situation"). In contrast, Ryan implies that the general presumption is that black men only pursue nursing because their assumed homosexuality – rather than their skill and competence – makes them a good fit for this culturally feminized field. Yet unlike many of the white men interviewed for Williams' (1995) study, Ryan does not declare his sexual identity or indicate that the presumption of homosexuality bothers him because of its socially devalued status. Rather, he contends that the expectation that black men nurses must be gay pushed him to work harder to prove that like any other nursing student, he was pursuing the job because of his interest and skill, not because of his sexual preference.

Other nurses discussed numerous challenges they faced from patients who made it clear that they did not regard black men to be qualified for nursing. Tim describes a specific incident that highlights this:

> I had an incident once with this old country woman. I had to go in and start her IV, and her roommate convinced her to ask for the charge nurse, saying, "I wouldn't let him give me an IV. He is a black man. You should ask for the charge nurse. You don't have to have him do that." So she wanted the charge nurse. I got her. The charge nurse stuck her and stuck her, and eventually she came back out and told me I would have to do it because she couldn't get the IV in. Now I'm a great IV starter. So I went back in and said, "I need to start your IV." The next day, her little white roommate was gone and she apologized profusely. I told her, "The next time, don't assume." Don't ask for the charge nurse, ask about the skill level. I've had others where they look at me when I walk in the room like, "Oh, God" (puts on a horrified expression). I just wonder will I ever be judged by the content of my character?

For Tim, coping with patients' assumptions about his skill level – driven by the observation that "he is a black man" – inhibits his ability to perform his job. This particular patient is explicit in her belief that as a black man, Tim is not the best person to offer basic medical care. Again, this is a marked contrast to much of the other research on men nurses, which suggests that they are often immediately assumed to be more capable and prepared than other colleagues, including their female peers (Floge & Merrill, 1986; Williams, 1995). Additionally, the perception that men nurses are more competent is consistent with hegemonically masculine ideals about men's greater prowess and skill relative to women. Black men nurses, however, generally find that they are not immediately granted this assumption of proficiency.

Many other nurses offered similar accounts of patient perceptions that as black men they were not truly qualified to give care. Chris stated:

> Being a black male nurse … I don't think about it now, but I just get out there and do it. There are some who see me and think, "inferior." But sometimes they get over it. You have to show people. I'm a child of the '50s and '60s in Mississippi, and we were taught that we have to be better than our white counterparts. I strive for excellence. Some of the white male nurses are thinking – and the white females too – that I don't belong, that I can't do it. It's racism, and though black female nurses face it too, they are accepted quicker than black male nurses.

In this example, Chris argues that both patients and colleagues expect he is not up to the rigorous demands of nursing. Significantly, he too attributes this to gendered racist expectations that this is not an occupation for which black men are well suited.

For black men nurses, it was rare that they could immediately expect to be seen as people who were capable, well-trained medical professionals. In contrast, they were much more likely to encounter gendered racism wherein intersections of race and gender rendered them subject to suspicion and skepticism from patients, colleagues, and doctors alike. In response to these experiences, these men constructed a marginalized masculinity, which I discuss in the next section.

"It Takes More of a Man to Cure": Masculinity as Caring

As black men nurses encounter gendered racist incidents that suggest that they do not belong in nursing, they turn to a specific strategy of masculinity that reinforces their competence and capabilities within the field.

In particular, black men nurses often emphasize their ability to be caring, and their high level of comfort caring for others. Importantly, they also highlight this as an indicator of masculinity. Thus, by stressing their ability to be caring individuals, these men strive to offset the perception that they are not qualified for an occupation where caring is central and necessary. Further, by recasting caring as something only "real" men are capable of, they can still retain the status masculinity provides.

To this end, nearly every respondent cited caring for others as one of the most positive aspects of his job. Men frequently described the enjoyment they took from being able to care for others and help them to recover from illnesses. Clayton gives one particular example of this:

> The joyous part of the job is just that sense of affecting somebody, of helping somebody. There's one instance in particular that kind of sums up everything and it made me really feel good about being a nurse. There was this one time I was working in the emergency room … I didn't even remember this instance, but this guy came back and he thanked me, he remembered me. I didn't really remember him, I was just doing my job and he thanked me and he owed his life to me being fast, expediting his care, he said. I guess he was having a heart attack and I took care of him – got his I.V. going, got him straight to the lab in a good amount of time where it would save some tissue damage to his heart. He kind of owed that care, that whole experience to me, thanked me for him even being on this earth today. I was like, "Wow. Thanks. No problem!" You know, it felt really good 'cause I didn't, it wasn't anything special that I was doing just for him. I would have done it for anybody and I was just doing my job. So, that felt really good. That was some validation of what I do.

For Clayton, the opportunity to help other people is one of the primary joys of his work. Counter to much of the research on men nurses that suggests men avoid the seemingly feminized aspects of their jobs (see Williams, 1995), Clayton gets great rewards from caring for others, and from their recognition of his efforts. However, the type of caring Clayton describes also highlights the way in which this is constructed, as he focuses on the technical aspects of his job (inserting the I.V., taking the patient to the lab). This reflects Williams' (1995) contention that men nurses tend to emphasize the technical aspects of their work as a way of distancing themselves from the perceived femininity of their professions. The embrace of caring, then, is a nuanced one that enables black men nurses to counter the gendered racism they encounter in the form of perceptions of unsuitability, while still establishing masculinity that offers status.

Simon also talks about the joy he gets from caring for others, and contrasts his experiences to those of white male nurses he knows who prefer specialties that involve less patient care:

> They were going to work with the insurance industries, they were going to work in the E.R. where it's a touch and go, you're a number literally. I don't get to know your name, I don't get to know that you have four grandkids, I don't get to know that you really want to get out of the hospital by next week because the following week is your birthday, your 80th birthday and it's so important for you. I don't get to know that your cat's name is Sprinkles, and you're concerned about who's feeding the cat now, and if they remembered to turn the TV on during the day so that the cat can watch "The Price is Right." They don't get into all that kind of stuff. OK, I actually need to remember the name of your cat so that tomorrow morning when I come, I can ask you about Sprinkles and that will make a world of difference. I'll see light coming to your eyes and the medicines will actually work because your perspective is different.

For Simon, this type of caring – being able to add a personal touch and the ability to connect that to a patient's improvement – is what makes his job worthwhile. Perhaps more importantly, the fact that he is comfortable caring for other people enhances his ability to be an effective nurse. Unlike Clayton, however, Simon speaks to the more personalized aspects of caring and highlights the way in which his ability to offer this care is evidence of his masculinity.

Chris makes a similar comment about the joy and pleasure he derives from taking care of others:

> I get lots of emotional fulfillment, personal fulfillment. I'm proud of the work I do. I feel that I'm making a difference in the lives of others. I'm contributing something, even if it's nothing more than bringing a smile to a sick person's face. God put me in the position to help others. Not everyone can be a nurse, but it's a calling. I know now it was divine intervention.

In contrast to much of the literature on men nurses, Chris finds this feminized aspect of his work to be the most rewarding part of his job. Rather than rejecting or downplaying the fact that nursing requires caring, a trait associated with femininity, Chris embraces it. Additionally, Chris's emphasis on his faith evokes ways that religion can shape performances of black masculinity. Historically, some black churches and religious orientations have emphasized the importance and necessity of black men giving back and working to uplift the broader black community (Cone, 1990, 1997). That Chris describes his work as a higher calling suggests that his religious beliefs may complement his sense that caring is entirely compatible with performing masculinity. Additionally, the sense that he is doing God's work may also help to counteract the feminization associated with nursing,

particularly the widespread stereotype of homosexuality (and its attendant demasculinization) that men nurses face. Given that many (but not all) churches offer a heteronormative religious and social discourse, Chris's reliance on faith may provide a buffer against the dominant perceptions of men nurses as gay.

Other nurses specifically described caring as an important expression of masculinity that is often overlooked. As such, Leo comments:

> This is a good job for black men. It makes you work harder mentally as opposed to work in a public setting like construction. It's not like working in the heat, or in a field, bus driving or something. It's a different type of taxing because it works your mind, your heart.

Note that when Leo mentions alternatives to nursing, he references construction and bus driving, gendered occupations that are predominantly comprised of men. As a professional occupation (unlike construction and bus driving) nursing may implicitly be a "better" job because of its higher status. Yet he also considers nursing a job that provides a necessary challenge for men because of its emphasis on the mind and the heart, and the fact that many men presumably do not have to use their mental and emotional skills in more traditionally masculine fields.

Simon also discusses how the process of caring is an indicator of masculinity. When describing how other black male peers responded to his work as a nurse, he states:

> They are in denial about the fact that it takes more of a man to cure. Anybody can go up there and knock around a car engine or knock around on a construction site, play around with numbers, or count money or whatever it is, but it takes a different – it takes your persona to a higher level to be able to cure. It's one of the hardest things to be nurturing as a male. You're actually against the grain of what you've been taught all these years. And actually be effective and therapeutic in doing that … they're in denial and they know.

Here Simon articulates how the commitment to caring becomes a way that black male nurses perform masculinity. This emphasis on caring for those in need runs counter to the established dictates of hegemonic masculinity, particularly that men should be rational and logical, *not* caring and nurturing. Significantly, however, Simon emphasizes the fact that his *caring* enables *curing*, thus highlighting a more masculinized component of a feminized attribute. By constructing caring as a marker of masculinity in this way, these men can embrace it as a tool that enables them to do their jobs well. This is particularly important when they must also confront

gendered racism in the workplace from fellow nurses, patients, and doctors who see them as people who do not belong in this profession.

Again, the embrace of caring has particular salience given that it is often constructed as a feminized trait. Given that these men are employed in a predominantly female field – and one where men workers are frequently stereotyped as gay – it is noteworthy that they expressed a tendency to reconstruct such a behavior as something masculine and therefore acceptable. Other studies show that the stereotype of "nurses as gay" is a key factor in (white) men nurses' efforts to distance themselves from their work (Williams, 1995). Black men in this study, however, generally contended that the widespread stereotype that men nurses are gay did not affect them at all, refrained from engaging in rhetorical maneuvers to establish their heterosexuality (e.g., "It doesn't bother me … but I'm not gay"), and in fact asserted that conventionally "feminine" behaviors like caring actually were indicative of "real" masculinity. By taking on these feminized traits, these men were able to assert their effectiveness in an occupation where their race and gender intersect to shape perceptions that they are unfit for the work.

"You Have to Watch Things Others Don't": Obstacles to Higher-Status Jobs

Related to the perception that they were not well suited to the nursing profession, many of the men in my sample talked at length about the obstacles they observed and experienced in trying to move to the upper tiers of the nursing profession. While three of the nurses in this sample were employed in supervisory positions, most respondents talked at length about the challenges that accompanied moving into these higher-status jobs. Many respondents observed that perceptions, attitudes, and behaviors on the part of their colleagues and supervisors impeded their ability to ascend to higher-level management roles within the profession. Williams (1995) has noted that one of the key ways in which men nurses attempt to achieve hegemonic masculinity (and colleagues, friends, and family attempt to realign them with male privilege) is by viewing their feminized jobs as a route to upper level administrative positions that are seen as more gender-appropriate. For black men, however, many of the avenues that lead to these higher-status jobs are constrained by colleagues' and supervisors' gendered racism (see Harvey Wingfield, 2009 for more discussion of this).

For many men nurses, support from colleagues is crucial to moving up the occupational ladder (Heikes, 1991). However, for black men in this field, gendered racism can pose particular challenges that make upward mobility more difficult. Stuart discussed this in more detail, stating:

> There are some issues that are unique to black male nurses. You have to watch things that others don't, because there are things that will be perceived a certain way because you are a black man. For instance, you have to watch your demeanor, your verbal tone. If you speak the wrong way it can be intimidating, threatening, be misperceived as sexual harassment. One time, I was in a faculty meeting and I got a little upset and said something. It wasn't pretty. There was my tone, and I spoke very directly, and this white woman was threatened.

In this case, Stuart suggests that black men must carefully monitor their speech, diction, and general attitude. While this is generally true for black employees in predominantly white environments (see Feagin & Sikes, 1995), Stuart's example indicates how this issue takes on specific implications depending on the worker's race *and* gender. As he describes, black men must avoid behaviors that might evoke the stereotype that they are threatening and dangerous, particularly with regards to white women. Given that collegial, warm relationships with coworkers play a major role in helping men advance to supervisory positions, the fact that black men face gendered racist stereotypes that depict them as a menace to white women may create additional barriers to upward mobility.

Additional impediments to moving up the occupational ladder come from reluctant supervisors who are loath to offer opportunities for promotion. Speaking directly to this issue, Ray stated:

> The hardest part is dealing with people who didn't understand minority nurses, people with their biases, who didn't identify you as ripe for promotion. I knew the policy and procedure; I was familiar with past history. So you can't tell me I can't move forward if others did.

Here, Ray identifies preconceptions among higher-ups as key obstacles to moving into the supervisory, higher-status, more masculine positions within nursing. Unlike previous studies, which suggest that men nurses are promoted more quickly than their women counterparts (see Budig, 2002), Ray argues that his promotion process has been an uphill battle.

Evan is one of the few nurses in this sample who did move into a supervisory role. As a charge nurse, Evan manages several nurses, all white women, on his floor. Though he was able to navigate this promotion successfully, he maintains that particular challenges still accompany his

position. He shared this story as an example of particular issues black men nurses face that others do not:

> For example, last week … this was the silliest conflict that you can imagine. By the book, the nurses are not allowed to eat or drink at the nurse's station. We have computers, we have documents. If you spill a coffee, if you spill a soda, you could damage something. So, I pretty much told everybody, "No one can eat or drink at the nurse's station." There was a nurse who decided to drink at the nurse's station. Not a big deal. I asked her to remove the drink. She took it off the desk and put it in her pocket. So now, it's okay … it's not on the desk, but you can't *drink* it at the nurse's station. She drank it at the nurse's station anyway. I let it go for a while and confronted her at the end of her shift. She put in her two weeks' notice at that moment because she can't drink at the nurse's station.

In Evan's estimation, this "silly" conflict is symptomatic of a larger issue. He views it as an example of white women nurses' discomfort, even contempt, at being managed by black men. Even though he has "made it" to one of the more prestigious positions within his profession, he still contends that gendered racism has an impact on his work.

"In the Community, They Really Respect What I Do": Seeking Status in the Broader Black Community

With the challenges inherent in doing hegemonic masculinity through the traditional route of promotion to a more masculine position that would offer more status, black men nurses instead emphasize the status and community authority they hold in other arenas. While their white male counterparts can strive for hegemonic masculinity by viewing nursing as a temporary transition to the "better" (higher status, more masculine) jobs in the field (see Williams, 1995), black men nurses are less able to ride the glass escalator into these positions (Harvey Wingfield, 2009). As such, they still strive to achieve hegemonically masculine ideals of holding high status and authority, but they do so by accentuating the status that nursing provides within African-American communities, and their ability to translate this status into positions as community authorities.

Many nurses were very aware of the status that nursing afforded them within African-American communities. Vern states:

> I feel like I'm viewed positively in the community and in the church … I get a very positive reaction to being a black male nurse. The brothers and sisters in church, in the community, they really respect what I do.

Note that black churches have historically been one of few places where black men could hold authority positions (Cole & Guy-Sheftall, 2003). For Vern, interactions in church and in his community reinforce his expert status. As was the case with Chris, the church appears to function as an important religious institution that legitimizes the ways Vern performs masculinity. This appreciation of Vern's skills and knowledge is a clear contrast to the low expectations black men nurses encounter from coworkers and patients.

Similarly, Ryan echoes Vern's statements about the respect his position garners. He comments:

> I was the first African American male hired as full time faculty. I was the first African American, period, to get my Ph.D. from the school. I use these as discussion points for men. I try especially to be a role model for black men. People call from everywhere, I try to be a role model for them.

Ryan focuses on the respect he gains from other young black men, as well as the status associated with being "the first" in several academic institutions. He also draws special attention to his status and position of influence for other black men. Like Vern, emphasizing the sense of being respected in the larger community is a key strategy for performing masculinity.

Kenny also highlights the social status nursing offers him outside of the hospital, particularly among his friends and acquaintances:

> I get a much more positive response from my friends, from my high school classmates, and things like that, and they'll tell me that, "You know, you didn't go to medical school, but you're still a doctor as far as I'm concerned." You know, that type of thing and "We're proud of you and we're proud of your accomplishments and everything that you've done and you've really made us look good." You know, so a lot of them tell me that and they tell me, "I wish I had stayed in school and went on to college," and that type of thing and that makes me feel good to hear that because I didn't hear that before.

For Kenny, this positive feedback and response provides a stark contrast to a work environment where gendered racist interactions with colleagues are all too frequent. It offers him the high status that is difficult to achieve in his work environment.

In addition to emphasizing the status they hold in other social institutions, black men nurses also highlight the ways they try to use this status to make a positive difference in the broader black community. Cyril does this by encouraging other African-Americans he encounters to pursue nursing as well:

> But those are the people I talk to, people in housekeeping or whatever, and when they say, "How did you do that?" I say, "It's as hard as you make it." I always tell them that

> you can do it too. [Do you say this mostly to people in housekeeping?] Not just there, no. If I go into KFC or whatever, the people who work there will see my lab coat, and ask, "What do you do at the hospital?" I say "I'm a nurse," and really encourage them that they can do this too.

Cyril actively uses the status nursing affords him to try to motivate working and lower-class black Americans to believe in their capabilities. Hence, even though there are difficulties achieving hegemonic masculinity through upward occupational mobility, Cyril strives to attain high status through other avenues. Cyril also wears markers of his authority (e.g., his lab coat) outside his work environment, which may help him to establish his expert status.

Still other nurses use their position as a community authority to advocate for better health practices among African-Americans. Here, Ryan discusses the importance of "giving back":

> I really take advantage of the opportunities to give back to communities, especially to change the disparities in the African American community. I'm more than just a nurse. As a faculty member at a major university, I have to do community hours, services. Doing health fairs, in-services on research, this makes an impact in some disparities in the African American community. [People in the community] may not have the opportunity to do this otherwise.

For Ryan, his status in the broader community enables him to be a health advocate for other African-Americans. In community settings, he advocates getting tested for hypertension, cancer screenings, and other preventative measures. This allows him to perform a specifically racialized masculinity where he not only enjoys high status, but also is dedicated to community service. Like the men in Lamont's (2000) study who create a "caring self," Ryan does masculinity by working on behalf of others, particularly by addressing health issues that disproportionately plague black communities.

Cyril also describes his efforts to minimize racial health disparities by engaging in outreach to black Americans:

> I'm teaching people to do more exercise, laying off the bacon, the fat, stuff like that. We're dying too young. My expectation is that we'll live longer. A lot die young, but we don't have to. My expectation of myself is that I will teach people to live healthy lifestyles.

Nursing offers Cyril status that helps him advocate for better dietary and health practices among black Americans. While he may encounter challenges achieving hegemonic masculinity through the status of higher-level positions at work, in the broader community he can enjoy the status nursing offers, and can help to uplift that community in return.

For black men nurses, gendered racism within the profession makes it difficult to achieve hegemonic masculinity by moving into high-status, traditionally masculine jobs. As such, they emphasize the status nursing offers them outside of the workplace – in social institutions like the church, their families, and the larger black community. This is a marked contrast to the way white men nurses highlight their status as a strategy of doing masculinity, which often involves getting out of nursing rather than receiving social rewards from it. Given that white men are well represented in traditionally male professional occupations (e.g., as bankers, lawyers, and physicians), nursing, with its implied feminization, may not offer white men nurses status within their communities. However, given the dire occupational and economic straits facing black men, nursing in itself may offer black men the status that becomes an integral part of establishing masculinity.

CONCLUSION

For black men nurses, the performance of masculinity is shaped by a context where both race and gender construct the work experience. These nurses encounter gendered racism from patients, doctors, and other nurses. This is manifested in perceptions that black men are singularly unsuited for the nursing profession and in colleagues' and supervisors' reluctance to facilitate their mobility into upper-level administrative work. With these obstacles in place, black men nurses find it very difficult to pursue the established channels of achieving hegemonic masculinity in a feminized occupation. Instead, they seek other means of doing masculinity, specifically, by reconstructing caring as a masculine behavior and by emphasizing the contexts where nursing offers them high levels of status and respect. Such strategies allow these men to enjoy some of the social rewards of masculinity even as they cope with racial stigma within their profession.

The results of this study contribute to the rather scant literature on marginalized masculinities. Interestingly, this research suggests that while black men nurses establish a marginalized masculinity where they reconfigure caring as indicative of masculinity, they still strive for hegemonic masculine ideals of high status and authority. This work thus indicates that while *some* men who do women's work may simply strive to achieve hegemonic masculinity as a means of recovering the status lost by their occupational choices, this is perhaps a decision shaped by racial privilege. Men of color who do women's work appear to face significant constraints that lead them to establish a marginalized masculinity that does not

precisely mirror the hegemonic one sought by their white counterparts. Thus, two of the most important contributions of this study are that it helps highlight specific ways marginalized masculinity develops among black men, and that it draws attention to the ways this masculinity is shaped by intersections of race and gender in an occupational context.

Somewhat paradoxically, despite their construction and embrace of a marginalized masculinity that accepts culturally feminized traits like caring, black men nurses do not exactly repudiate the hegemonic masculine ideal. Inasmuch as they describe caring as indicative of masculinity (and thus attempt to retain the status associated with it) and seek status in contexts outside of the nursing profession, they enact a form of masculinity that still encompasses some of the traditional ideas present in the hegemonic version. Thus, like minority men who embrace the "cool pose" or the hegemonic bargain as a way of maintaining some of the status masculinity provides, these black men nurses continue to seek some of the privileges associated with masculinity (Chen, 1999; Majors & Billson, 1992). They do so, however, by reappropriating behaviors associated with femininity and establishing traditional masculine ideals in non-work-related venues.

Consequently, this form of marginalized masculinity also has the potential to be incorporated into the hegemonic bloc Demetriou (2001) describes. Black men nurses' performance of marginalized masculinity is different from their white male peers in the sense that, due to gendered racism, they do not attempt to achieve the hegemonic ideal through the same routes. They do not attempt to distance themselves from nursing as a profession or nor do they endorse the assumption that caring is "women's work". In many cases, they profess indifference to the stereotype of men nurses as gay (a point that, existing research suggests, leads white men nurses to disassociate from the work they do). Yet because black male nurses still establish certain behaviors as "masculine" terrains – e.g., deriving status from work, and even caring – it is possible that this marginalized masculinity can potentially be co-opted into a hegemonic bloc that reinforces and maintains gender inequality. In other words, by reinterpreting these traits as indicative of masculinity, these men do little to upset the gender balance that distinguishes masculinity from femininity and reinscribes greater status to the former.

The results of this study also further other researchers' arguments that context matters in performing masculinity (see Ferguson, 2000). In environments like the workplace where men of color encounter gendered racism, intraracial settings may hypothetically be locations where men of color are more likely to strive for the tenets of hegemonic masculinity.

Note that black men nurses face challenges achieving hegemonic masculinity by pursuing high-status positions in nursing, but emphasize the high status they have in predominantly African-American spaces like the black church or the larger black community. Thus, they do not abandon hegemonic masculine ideals completely, but instead stress the social institutions where they are likely to achieve them. This suggests that racial composition of a particular setting may also matter in determining how and when men strive for hegemonic masculinity. Thus, in a hospital with a predominantly black staff and administration, black men nurses may be less likely to encounter gendered racism that contributes to marginalized masculinity.

Finally, this study indicates that intersections of race and gender help to structure systems of power and legitimacy. These intersections impede black men nurses' ability to achieve hegemonic masculinity through the channels available to their white male peers. However, race and gender also intersect to provide opportunities for black men nurses to seek power through the marginalized masculinity they construct. By reconstructing caring as a marker of masculinity and emphasizing the standing their work affords them in black communities (where there is a critical shortage of gainfully employed black professional men), these men strive to retain the status that masculinity provides, even when they do not follow the path to hegemonic masculinity utilized by their white male coworkers. Though it is beyond the scope of this study to address whether this offers the men legitimacy in the eyes of their colleagues and patients, this is a topic that could possibly be addressed in future research.

Additional studies should consider how men of color perform masculinity in other settings, organizations, and occupations, particularly as this is an underdeveloped area in masculinity studies. In "masculine" professions where, unlike nursing, caring is not a central part of professional socialization, men of color may not incorporate this as part of a marginalized masculinity. Further research that considers the way men of color do masculinity in various occupations could address this question, and could consider other arenas in order to begin to capture the complexity of black masculinity at work.

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JOB SATISFACTION: IMPACT OF GENDER, RACE, WORKER QUALIFICATIONS, AND WORK CONTEXT

Dina Banerjee and Carolyn C. Perrucci

ABSTRACT

While women's labor force participation has increased, their positions vary in prestige, authority, autonomy, and segregation in comparison with men's. Earlier research in which they evaluate their job quality, however, finds women's job satisfaction to be the same or higher than men's, and nonwhites' job satisfaction lower than whites'. The present research examines perceived job satisfaction for a large national sample in 2002. In a model that includes human capital and work context variables, race continues to significantly impact job satisfaction. Sex and race segregation do not impact job satisfaction, but having supportive coworkers does. Such support is more characteristic of women's than men's work relationships in these data and may help account for women's comparable job satisfaction.

By the turn of this century, six out of ten adult women were gainfully employed, with the rate of employment varying by racial/ethnic group.

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This compares to men's labor force participation rate of 73.5% in 2003, a decline from 87% in 1951 (Fullerton, 1997). By 2002, women's participation in the most prestigious positions, the Department of Labor category "Management, Professional, and Related Occupations," reached 50% (U.S. Department of Labor, 2003). Employee self reports that year of having supervisory authority at work, however, vary from 42% of white men, 40% of nonwhite men, 36% of nonwhite women, and 32% of white women (Perrucci & Banerjee, 2010). In general, women work in gender-segregated jobs in which most of the other workers are women and are lower paying (Acker, 2006; U. S. Department of Labor, 2004). Again, this varies by employees' race.

Cognizant of such data, sociologists have compared white women with white men and nonwhite workers of both genders on several positive aspects of work, including compensation and other monetary rewards, authority level within organizations, and promotion (Hogan & Perrucci, 1998; Maume, 1999; Tomaskovic-Devey, 1993). Despite the fact that women's jobs are usually inferior to men's in these aspects, their job satisfaction is not lower (Buchanan, 2005, 2008; Phelen, 1994; Mueller & Wallace, 1996). This has been called the "paradox of the contented woman employee" (Crosby, 1982).

Relatively little systematic attention has been paid to how current employees themselves evaluate their job quality, particularly for a large sample of workers that is representative of the workforce itself. An exception is recent research by Handel (2005) who uses trend data from the General Social Survey to compare employees' perceptions of job quality in 1989 and 1998.

Research on job quality is often based on measures of general job satisfaction, an "overall affective orientation on the part of individuals toward work roles which they are presently occupying" (Kalleberg, 1977, p. 126). Job satisfaction can be explained not only by characteristics of individuals (e.g., years of education) but also by characteristics of jobs and work settings. The latter influences on job satisfaction have roots in research by Turner and Lawrence (1965) and Hackman and Lawler (1971) who provide evidence that employees who work on jobs high on "core dimensions" (i.e., variety, task identity, autonomy, and feedback) show high work satisfaction (Hackman & Oldham, 1976; Kalleberg, 1977; Loher, Noe, Moeller, & Fitzgerald, 1985). More recently, research focuses on the nature of work relationships (Wharton, Rotolo, & Bird, 2000). Ducharme and Martin (2000), using data from the 1997 National Employee Survey, find that job satisfaction is related to both instrumental and affective social support from coworkers. Ganster, Fulicier, and Mayes (1986), using data

from a contracting firm, find job satisfaction related to affective social support from the immediate supervisor as well as from "other people at work." Handel (2005) finds that workers' job satisfaction is associated most strongly with interesting work, followed by positive management–employee relations and promotion opportunities, and then by subjective pay evaluation, job security, independent work, and positive coworker relations.

The present study examines the consequences of an expanded set of individual human capital and work context characteristics on a recent national sample of employees' evaluations of their general job satisfaction. It first compares men and women employees, and white and nonwhite employees on their reported levels of job satisfaction. Then it determines whether a gender/race interaction term is statistically significant, indicating an impact above and beyond individual impact of gender and race (Collins, 1999). It then examines the impact of gender and race, if any, controlling first for individual human capital variables and second for work context variables as antecedents to satisfaction, entered into multiple regression models as successive blocks of variables.

The research questions are fourfold: (1) are current (2002) women employees different than men on job satisfaction; (2) are nonwhite employees different than white employees on job satisfaction; (3) do individual worker characteristics (human capital) account for gender and/or race differences in job satisfaction; and (4) do job context variables account for gender and/or race impacts for workers with similar qualifications.

RELATED LITERATURE AND RESEARCH QUESTIONS

The study of job satisfaction has a long history and important place in sociology (Firebaugh & Hawley, 1995; Jiang, Hall, Loscocco, & Allen, 1995). A variety of studies deal with one or another of the variables of interest here, mostly from past decades. With respect to gender, research on workers of the 1970s and 1980s find that women report more satisfaction with their jobs than men (Crosby, 1982; Hodson, 1984; Moore, 1985), despite having jobs that are inferior to men's. There are five explanations put forward to account for this "paradox" (Phelen, 1994; Mueller & Wallace, 1996). One hypothesis is the differential job inputs hypothesis; that is, if women's lower rewards were matched by lower levels of job inputs, such as work experience, then women would perceive their lower rewards to be equitable and their job

satisfaction would not be lowered by feelings of inequity. A second hypothesis is the own gender referent hypothesis whereby women employees perceive equity because they compare their job outcomes with other female employees rather than male coworkers. Regarding empirical evidence for this, Buchanan (2005, 2008) finds that women who use a same sex referent are more satisfied, for a predominantly female organization. However, there was no relationship between referent sex and justice perceptions. Third is the differential entitlements hypothesis whereby women expect and consider equitable a smaller reward for the same input. Mueller and Wallace (1996) find some empirical support. Pay justice and overall justice have no impacts on job satisfaction, but both affect pay satisfaction and reduce the gender gap in satisfaction with pay. In sum, these three explanations all posit that for men and women, it is perceived equity of one's salary in comparison with one's own job inputs and inputs of coworkers that influences job satisfaction.

A fourth hypothesis is that women's lower salaries and levels of authority do not lead to job dissatisfaction because women do not value the rewards as highly as do men. Fifth, and finally, is the hypothesis that subjective job characteristics, such as perceived social support, determine job satisfaction for men and women, rather than objective factors of salary or promotion opportunities. Phelen (1994) finds some empirical support in that perceptions of work conditions have a strong impact on organizational satisfaction. These latter two hypotheses posit that salary and related objective rewards do not necessarily determine job satisfaction.

With respect to race, whites have been found to be more satisfied with their jobs than nonwhites (Gold, Webb, & Smith, 1982; Wharton & Baron, 1991). Being nonwhite is conceptualized as being a "proxy for the likelihood that the worker has experienced discrimination in the labor market" (Kalleberg, 1977, p. 138). The present study investigates whether there is still such a racial difference in job satisfaction.

Several individual human capital variables have been related to job satisfaction. Education is usually negatively related to job satisfaction (Fields & Blum, 1997; Hodson, 1984). This is attributed to "heightened expectations for workers and jobs" (Hodson, 1984).

Hours worked weekly and tenure in a firm are related positively with job satisfaction, both presumably because of "an increase in commitment" and because of a growth of "side bets" (Hackman & Oldham, 1976; Hodson, 1984, p. 27; Wharton & Baron, 1991), that is, investments that would be lost if the individual were to leave the job or organization (Becker, 1960; Wallace, 1997).

Occupational status, one of several types and dimensions of authority (Smith & Elliott, 2002) and conceptualized by Wharton and Baron (1991) as

an external reward, can be expected to be related positively to job satisfaction. Also, autonomy, or freedom at work, salary, and perception that one has future promotion opportunity are associated with high levels of job satisfaction (Fields & Blum, 1997; Handel, 2005; Hodson, 1984; Moore, 1985; Wharton & Baron, 1987, 1991). Work–family spillover, tension, and conflict between work and family responsibilities, on the other hand, are negatively related to job satisfaction (Maume & Houston, 2001). We expect to find similar relationships for a recent sample of employees.

In addition to examining the consequences of demographic and human capital variables, we also examine the impacts of gender and race composition of actual work groups on job satisfaction. Interest in compositional impact dates back at least to Blalock (1967) and Blau (1977) who posited a curvilinear relationship between women's perceived well-being and men's presence, presumably because gender balance intensifies intergroup conflict. Another perspective is that there is a positive relationship between women's psychological well-being and the percent of men in the work setting (O'Farrell & Harlan, 1982; Wharton & Baron, 1991), presumably because predominantly female jobs usually provide lower economic rewards or because women's primary reference group is other women compared to whom they are better off (Wharton & Baron, 1987). And yet another approach predicts an inverse relationship between women's psychological well-being and percent of men in the work place, presumably because people (women) prefer to interact with others like themselves in gender (other women) and because women expect lower economic rewards (Fields & Blum, 1997; Wharton & Baron, 1987; Wharton et al., 2000). This study assesses whether gender and race composition of actual work groups affects job satisfaction.

Concern with work context points to supportiveness of the workplace in minimizing work/family conflict (Glass & Estes, 1997). In particular, affective support of the immediate supervisor (Ganster et al., 1986; Handel, 2005) and affective and instrumental support from coworkers are positively related to work satisfaction (Ducharme & Martin, 2000; Handel, 2005). We examine supervisor and coworker support for minimizing work/family conflict specifically and expect to find positive relationships with job satisfaction for a more recent sample of employees.

DATA AND METHODS

Data for this study are derived from The National Study of Changing Workforce (NSCW, 2002), a Harris Poll conducted by the nonprofit,

nonpartisan Family and Work Institute with a grant from the Alfred P. Sloan Foundation. The NSCW is a nationally representative sample of workers across all the workplaces in the United States. A total of 3,504 interviews were completed with a nationwide cross-section of employed adults. Interviews were conducted by using the computer-assisted telephone interviewing system. Calls were made to a stratified (by region) unclustered random probability sample generated by random-digit-dial methods.

Sample eligibility was limited to the workers who (1) worked at a paid job or operated an income-producing business, (2) were 18 years or older, (3) were in the civilian labor force, (4) spoke English or Spanish, and (5) resided in the contiguous 48 states and lived in a noninstitutional residence with a telephone. In households with more than one eligible person, one was randomly selected to be interviewed. Interviews were completed for 3,504 numbers, a completion or cooperation rate of 98%. This study focuses on the job satisfaction of salaried workers accounting for gender and race. The total number of salaried men workers in the sample is 1,435 and that of women workers is 1,361. There are 2,183 whites and 578 nonwhite respondents (35 did not indicate race).

Measurement

Dependent Variable

Job satisfaction is a scale of three items: The first item is "All in all, how satisfied are you with your job?" The responses are not satisfied at all (1), not too satisfied (2), somewhat satisfied (3), and very satisfied (4). The second item is "Knowing what you know, if you had to decide all over again whether to enter the same line of work you are in now, what would you decide?" The responses are definitely not take the job (1), have second thoughts (2), and take same job again without hesitation (3). The third item is "Taking everything into consideration, how likely is it that you will make a genuine effort to find a new job with another employer/a company or organization within the next year?" The responses are very likely (1), somewhat likely (2), and not likely at all (3). The item loadings from factor analyses are more than 0.50 and the alpha is 0.73.

Independent Variables: Demographic

Gender is a dummy variable with female coded as 1. Race is also a dummy variable with white coded as 1. The variable is measured by the question: "What is your race?" Response categories are white (1); black or

African American (2); native American or Alaskan native (3); Asian, Pacific Islander, or Indian (4); and others, including mixed (5). All categories except white are grouped together because there are too few respondents in the individual minority categories to analyze them separately. In addition, the ordering of minority categories varies depending on the particular dependent variable under consideration; however, white respondents are always in the better/best position.

Independent Variables: Human Capital

Education is determined by the question: ''What is the highest level of schooling you have completed?'' The responses are less than high school (1); high school or GED (2); trade or technical school beyond high school (3); some college (4); two-year Associate's Degree (5); four/five-year Bachelor's Degree (6); some college after BA or BS but without degree (7); professional degree in medicine, law, dentistry (8); Master's Degree or Doctorate (9). Education is used as a continuous variable.

The variable years worked in the current job is measured by the question: ''How long have you worked for your current employer or been involved in your main line of job?'' This is an interval-level variable.

Hours of work at main job is determined by the question: ''Please tell me how many hours you usually work per week in your main job? Also include overtime or unpaid hours.'' This is an interval-level variable.

Occupation is a dummy variable measured by the open-ended question: ''What kind of work do you do or what is your occupation?'' In the dataset, there is a variable that has two categories of occupation: managerial or professional (1) and others (2). Here, ''managerial or professional'' is coded as 1.

Work–family spillover is a scale of four items: ''How often have you NOT had enough time for your family or other important people in your life because of your job?''; ''How often have you NOT had the energy to do things with your family or other important people in your life because of your job?''; ''How often have you NOT been able to get everything done at home each day because of your job?''; and ''How often have you NOT been in as good mood as you would like to be at home because of your job?'' The responses are never (1), rarely (2), sometimes (3), often (4), very often (5). The alpha is 0.81.

The variable workplace autonomy is determined by a scale of five items: ''I have the freedom to decide what I do on my job.'' ''It is basically my own responsibility to decide how my job gets done.'' ''I have a lot of say about what happens on my job.'' ''I decide when I take breaks.'' Response

categories are strongly disagree (1), somewhat disagree (2), somewhat agree (3) and, strongly agree (4). The fifth item is "Can you choose your own starting and quitting times within some range of hours?" Responses are no (1) and yes (2). The alpha is 0.70.

Satisfaction with income is determined by the question: "How satisfied are you with how much you earn in your main job?" The response categories are not satisfied at all (1), not too satisfied (2), somewhat satisfied (3), and very satisfied (4).

Perceived promotional opportunity is measured by the question: "How would you rate your own chance to advance in your organization?" The responses are poor (1), fair (2), good (3), and excellent (4). This variable is used as a continuous variable.

Independent Variables: Work Context

Supportive workplace culture is a scale of five items: "There is an unwritten rule at my place of employment that you can't take care of family needs on company time." "At my place of employment, employees who put their family or personal needs ahead of their jobs are not looked on favorably." "If you have a problem managing your work and family responsibilities, the attitude at my place of employment is 'You made your bed, now lie in it!'" "At my place of employment, employees have to choose between advancing in their jobs or devoting attention to their family or personal lives." Response categories are strongly agree (1), somewhat agree (2), somewhat disagree (3), and strongly disagree (4). The fifth item is "At my company or organization where I work, I am treated with respect." Responses are strongly disagree (1), somewhat disagree (2), somewhat agree (3), and strongly agree (4). The alpha is 0.72.

Supportive supervisor is a scale of 10 items: "My supervisor or manager keeps me informed of the things I need to know to do my job well"; "My supervisor or manager has expectations of my performance on the job that are realistic"; "My supervisor or manager recognizes when I do a good job"; "My supervisor or manager is supportive when I have a work problem"; "My supervisor or manager is fair and doesn't show favoritism in responding to employees' personal or family needs"; "My supervisor or manager accommodates me when I have family or personal business to take care of"; "My supervisor or manager is understanding when I talk about personal or family issues that affect my work"; "I feel comfortable bringing up personal or family issues with my supervisor or manager"; "My supervisor or manager really cares about the effects that work demands have on my personal and family life"; and "I consider my supervisor or

manager to be a friend both at work and off the job.'' The responses are strongly disagree (1), somewhat disagree (2), somewhat agree (3), and strongly agree (4). The alpha is 0.90.

Coworkers' support is a scale of two items. The questions are ''I have the support from coworkers that I need to do a good job'' and ''I have support from coworkers that helps me to manage my work and personal and family life.'' The responses are strongly disagree (1), somewhat disagree (2), somewhat agree (3), and strongly agree (4). The alpha is 0.68.

Sex segregation at workplace has been determined on the basis of the question: ''About what percentage of your coworkers are people of your sex?'' Responses are 100% of the coworkers (1); 75% through 99% (2); 50% through 74% (3); 25% through 49% (4); less than 25% but more than 0 (5); and 0% (6). This variable is used as a continuous variable.

Racial/ethnic segregation at workplace has been determined on the basis of the question: ''About what percentage of your coworkers are of people from your racial, ethnic, or national background?'' Response categories are 100% of the coworkers (1); 75% through 99% (2); 50% through 74% (3); 25% through 49% (4); less than 25% but more than 0 (5); 0% (6); not applicable, does not have coworkers (7). This variable is also used as a continuous variable.

Methods of Analyses

Data analyses for this project are based on quantitative methods. The variability of all the variables is tested by running frequency distributions. All the variables have more-or-less normal distributions with acceptable skewness and kurtosis. Next, factor analyses are conducted to construct scales for the variables that consist of more than one item. Items with factor loadings greater than 0.50 are included.

First, we provide the correlation coefficients of all the variables used in this study. Then, to test the given research questions, we have conducted independent sample *t*-tests and OLS regression. We conduct independent sample *t*-tests to compare the means of job satisfaction between men and women workers accounting for both gender and race. In the regression analyses, we examine the impacts of demographics, human capital, and work context on the job satisfaction of the workers. Finally, we also present the descriptive statistics of all the variables.

FINDINGS

Table 1 presents the Pearson correlation coefficients for all pairs of variables in this study. Looking first at gender, we see that women score higher on job satisfaction than men. This corresponds to findings from earlier studies reviewed above. Whether this relationship holds when human capital and/or work context characteristics are controlled (i.e., entered into a multiple regression equation) remains to be seen.

We also see that women who hold managerial/professional positions are more educated than men who hold such positions. However, they have fewer years tenure with their employer, work fewer hours weekly, have less autonomy on the job, less perceived promotion opportunity, and less satisfaction with their income than men. Although we have no measure of women's perceived equity, we expect that their lower inputs might not lead them to have lower job satisfaction.

Turning now to race, we see that whites score higher than nonwhites on job satisfaction, another finding in line with that of earlier studies. Again, whether such a relationship holds when human capital and/or work context characteristics are controlled will be examined below using multiple regression models.

Turning to human capital correlates of job satisfaction, we see that level of education, years of tenure with employer, managerial/professional occupation, autonomy, perceived promotion opportunity, and satisfaction with income are positively related to job satisfaction, in support of our hypotheses. On the other hand, hours worked weekly is not related to job satisfaction. As well, work–family spillover is negatively related to job satisfaction, as hypothesized. While amount of work/family spillover does not differ for men or women, women's workplace culture support and their coworkers' support for combining work and family are more characteristic of women's work relationships.

We consider next the work context characteristics. Regarding gender and race composition/segregation, there is no relationship between job satisfaction and working with a concentration of same sex (other women) or same race coworkers. However, all three variables concerning social support are positively related to job satisfaction, that is, supportive workplace culture, supportive supervisor, and supportive coworkers.

The interrelationship between gender and race and job satisfaction can be seen in Table 2. For all respondents, women score higher than men (8.59 and 8.32, respectively) and whites score higher than nonwhites (8.58 and 7.95, respectively), although the differences are small. Looking at the impact

Table 1. Correlation Coefficients of All the Variables Used in this Study.

Variables	(1)	(2)	(3)	(4)	(5)	(6)
Job satisfaction (1) $N = 2{,}752$		0.08****	0.15****	0.11****	0.17****	0.01
Gender (woman) (2) $N = 2{,}796$	0.08****		0.02	0.06***	−0.06***	−0.26****
Race (white) (3) $N = 2{,}761$	0.15****	0.02		0.11****	0.08****	−0.03
Education (4) $N = 2{,}796$	0.11****	0.06***	0.11****		0.13****	0.11****
Years worked in the current job (5) $N = 2{,}796$	0.17****	−0.06***	0.08****	0.13****		0.13****
Hours of work at main job (6) $N = 2{,}779$	0.01	−0.26****	−0.03	0.12****	0.13****	
Occupation (managerial/professional) (7) $N = 2{,}796$	0.11****	0.10****	0.10****	0.53****	0.13****	0.13****
Work–family spillover (8) $N = 2{,}755$	−0.30****	−0.01	0.05***	0.08****	−0.02	0.22****
Workplace autonomy (9) $N = 2{,}745$	0.32****	−0.06***	0.11****	0.21****	0.09****	0.09****
Supportive workplace culture (10) $N = 2{,}668$	0.52****	0.09****	0.13****	0.16****	0.02	−0.07****
Supportive supervisor (11) $N = 2{,}324$	0.46****	0.03	0.04	−0.03	−0.01	−0.08****
Coworkers' support (12) $N = 2{,}762$	0.43****	0.05***	0.08****	0.04	0.04	−0.05***
Sex segregation (13) $N = 2{,}773$	0.01	0.01	0.01	0.13****	−0.01	−0.02
Racial/ethnic segregation at workplace (14) $N = 2{,}759$	−0.12****	−0.06***	−0.38****	0.01	−0.04**	0.06***
Satisfaction with income (15) $N = 2{,}752$	0.42****	−0.05***	0.09****	0.11****	0.17****	0.05***
Perceived promotional opportunity (16) $N = 2{,}752$	0.33****	−0.03	−0.04	−0.01	−0.13****	0.04

Variables	(7)	(8)	(9)	(10)	(11)	(12)
Job satisfaction (1) $N = 2{,}752$	0.11****	−0.30****	0.32****	0.48****	0.46****	0.43****
Gender (woman) (2) $N = 2{,}796$	0.10****	−0.01	−0.06***	0.09****	0.03	0.05***
Race (white) (3) $N = 2{,}761$	0.10****	0.05***	0.11****	0.13****	0.04	0.08****
Education (4) $N = 2{,}796$	0.53****	0.08****	0.21****	0.16****	−0.03	0.04
Years worked in the current job (5) $N = 2{,}796$	0.13****	−0.02	0.09****	0.02	−0.01	0.04
Hours of work at main job (6) $N = 2{,}779$	0.13****	0.22****	0.09****	−0.07****	−0.08****	−0.05***
Occupation (managerial/professional) (7) $N = 2{,}796$		0.09****	0.23****	0.16****	0.02	0.06***
Work–family spillover (8) $N = 2{,}755$	0.09****		−0.11****	−0.32****	−0.29****	−0.20****
Workplace autonomy (9) $N = 2{,}745$	0.23****	−0.11****		0.34****	0.32****	0.27****

Table 1. (*Continued*)

Variables	(1)	(2)	(3)	(4)	(5)	(6)
Supportive workplace culture (10) $N = 2{,}668$	0.16****	−0.32****	0.34****		0.54****	0.39****
Supportive supervisor (11) $N = 2{,}324$	0.02	−0.29****	0.32****	0.54****		0.52****
Coworkers' support (12) $N = 2{,}762$	0.06***	−0.20****	0.27****	0.39****	0.52****	
Sex-segregation (13) $N = 2{,}773$	0.11****	0.01	0.02	0.02	−0.02	−0.04**
Racial/ethnic segregation at workplace (14) $N = 2{,}759$	−0.03	0.01	−0.05***	−0.01	−0.10****	−0.09****
Satisfaction with income (15) $N = 2{,}752$	0.09****	−0.21****	0.21****	0.26****	0.23****	0.22****
Perceived promotional opportunity (16) $N = 2{,}752$	0.02	−0.16****	0.18****	0.26****	0.34****	0.28****

Variables	(13)	(14)	(15)	(16)
Job satisfaction (1) $N = 2{,}752$	0.01	−0.12****	0.42****	0.33****
Gender (woman) (2) $N = 2{,}796$	0.01	−0.06***	−0.05***	−01.03
Race (white) (3) $N = 2{,}761$	0.01	−0.38****	0.09****	−0.04
Education (4) $N = 2{,}796$	0.13****	0.01	0.11****	−0.01
Years worked in the current job (5) $N = 2{,}796$	−0.01	−0.04**	0.17****	−0.13****
Hours of work at main job (6) $N = 2{,}779$	−0.02	0.06***	0.06***	0.04
Occupation (managerial/professional) (7) $N = 2{,}796$	0.11****	−0.03	0.09****	0.02
Work–family spillover (8) $N = 2{,}755$	0.01	0.01	−0.21****	−0.16****
Workplace autonomy (9) $N = 2{,}745$	0.02	−0.05***	0.21****	0.18****
Supportive workplace culture (10) $N = 2{,}668$	0.02	−0.01	0.26****	0.26****
Supportive supervisor (11) $N = 2{,}324$	−0.02	−0.10****	0.23****	0.34****
Coworkers' support (12) $N = 2{,}762$	−0.04**	−0.09****	0.22****	0.28****
Sex segregation (13) $N = 2{,}773$		0.10****	−0.01	−0.04**
Racial/ethnic segregation at workplace (14) $N = 2{,}759$	0.10****		−0.03	0.01
Satisfaction with income (15) $N = 2{,}752$	−0.01	−0.03		−0.03
Perceived promotional opportunity (16) $N = 2{,}752$	−0.04**	0.01	−0.03	

Note: N is the total number of cases.
****Level of significance at $p < 0.001$; ***level of significance at $p < 0.01$; **level of significance at $p < 0.05$.

Table 2. Unstandardized Coefficients from the OLS Regression Using Workers' Job Satisfaction as Dependent Variable and Their Demographic, Human Capital, and Work Context as Independent Variables.

Variables	Job Satisfaction		
	Model 1	Model 2	Model 3
Demographic			
Gender (woman)	0.17	0.11	0.24
	(0.14)	(0.12)	(0.13)
Race (white)	0.56****	0.31***	0.28***
	(0.11)	(0.09)	(0.10)
Gender–race interaction	0.14	0.36***	0.05
	(0.16)	(0.13)	(0.14)
Human capital			
Education		0.01	0.02
		(0.01)	(0.01)
Years worked in the current job		0.02****	0.03****
		(0.01)	(0.01)
Hours of work at main job		0.01	0.01**
		(0.01)	(0.01)
Occupation (managerial/professional)		0.02	−0.01
		(0.07)	(0.07)
Work–family spillover		−0.05****	−0.03****
		(0.01)	(0.01)
Workplace autonomy		0.09****	0.03****
		(0.01)	(0.01)
Satisfaction with income		0.50****	0.41****
		(0.03)	(0.03)
Perceived promotional opportunity		0.37****	0.20****
		(0.03)	(0.03)
Work context			
Supportive workplace culture			0.09****
			(0.01)
Supportive supervisor			0.04****
			(0.01)
Coworkers' support			0.22****
			(0.02)
Sex segregation			0.04
			(0.03)
Racial/ethnic segregation			−0.04
			(0.02)
Constant	7.87****	5.16****	2.01****
	(0.13)	(0.20)	(0.30)

Table 2. (*Continued*)

Variables	Job Satisfaction		
	Model 1	Model 2	Model 3
N	2,744	2,607	2,094
F	28.69****	126.64****	107.30****
R^2	0.03	0.35	0.45
Adjusted R^2	0.03	0.35	0.45

Note: N is the total number of cases; numbers in parentheses are standard errors.
****Level of significance at $p<0.001$; ***level of significance at $p<0.01$; **level of significance at $p<0.05$.

of gender within race, we again see small differences; for white employees, women score higher than men (8.73 and 8.43, respectively), but within nonwhites the gender difference, while in the expected direction, is not statistically significant (8.04 and 7.87, respectively).

Table 3 shows the regression of employees' job satisfaction on their demographic characteristics (gender and race), work qualifications (human capital), and work context characteristics. In model 1, only the demographic variables of gender and race and an interaction gender/race term comprise the equation. It can be seen that women (gender) are no more or less likely than men to report having job satisfaction. On the other hand, as was the case with the intercorrelation coefficients, nonwhites (race) do report less job satisfaction than whites. The gender/race interaction term is not statistically significant.

In model 2, the human capital variables are entered into the equation. The race variable stays significant, and the gender/race interaction term becomes significant. Table 2 sheds some light on the latter, by comparing the mean job satisfaction scores by gender and race of employees. As was shown by the correlation coefficients discussed above, women workers report being more satisfied with their jobs than men, and white workers report being more satisfied with their jobs than do nonwhites. Of particular interest here, when race is controlled, white women employees have higher job satisfaction than white men employees, but among nonwhite workers, there is no gender difference in job satisfaction. It is apparent that it is the white women who report being more satisfied with their jobs than any other group of employees. This may be because they report (Table 1) having the most supportive workplace environment and coworkers.

Table 3. *t*-Tests Comparing the Means of Job Satisfaction by Gender and Race.

Job Satisfaction	All Male Salaried Workers	All Female Salaried Workers
Mean	8.32	8.59
(standard deviation)	(1.69)	(1.63)
N	1,426	1,353
t-Test with equal variances assumed	−4.24****	
t-Test with equal variances not assumed	−4.24****	
F-test	1.08	
Job Satisfaction	**All White Salaried Workers**	**All Nonwhite Salaried Workers**
Mean	8.58	7.95
(standard deviation)	(1.59)	(1.83)
N	2,176	568
t-Test with equal variances assumed	8.11****	
t-Test with equal variances not assumed	7.47****	
F-Test	18.10****	
Job Satisfaction	**White Male Salaried Workers**	**White Female Salaried Workers**
Mean	8.43	8.73
(standard deviation)	(1.62)	(1.55)
N	1,103	1,073
t-Test with equal variances assumed	−4.44****	
t-Test with equal variances not assumed	−4.44****	
F-test	4.58**	
Job Satisfaction	**Nonwhite Male Salaried Workers**	**Nonwhite Female Salaried Workers**
Mean	7.87	8.04
(standard deviation)	(1.86)	(1.80)
N	303	265
t-Test with equal variances assumed	−1.07	
t-Test with equal variances not assumed	−1.08	
F-test	0.11	

Note: N is the total number of cases.
****Level of significance at $p < 0.001$; **level of significance at $p < 0.05$.

Returning to model 2 in Table 3, both education and work–family spillover are negatively related to job satisfaction, whereas having autonomy on the job is positively related to job satisfaction. The demographic variables and human capital variables together account for 21% of the variance in job satisfaction.

When, in model 3, both human capital and work context variables are in the equation, neither gender nor the gender/race interaction is statistically significant. However, race continues to be statistically significant. Workplace autonomy continues to be positively related to job satisfaction, as is perceived promotion opportunity, satisfaction with income, and a supportive workplace. Commitment to the job, as indicated by both years worked at the current job and hours worked at the main job, is positively related to job satisfaction. Education and occupation are unrelated to job satisfaction, and work/family spillover continues to be negatively related to job satisfaction.

Notably, in Model 3, neither gender nor race segregation is related to job satisfaction, although the three supportive workplace characteristics of having a supportive workplace culture in general, a supportive supervisor, and supportive coworkers are positively related to job satisfaction. The variance explained by variables in this model increases from 21% to 54%.

SUMMARY AND CONCLUSION

This study updates the literature about how gender and race are related to job satisfaction as well as the possible interaction of gender and race on such satisfaction, using data from a recent nationally representative sample of employees. The intercorrelations of gender and race with job satisfaction mirror findings for workers in previous decades – women and whites being more satisfied than men and nonwhites (research questions 1 and 2). It should be noted that the correlations, while statistically significant, are relatively small. When gender, race, and their interactions are entered into a multiple regression equation, only race (being white) is significantly related to job satisfaction. An inspection of gender/race group scores indicates that it is white women who are more satisfied with their jobs than other groups of employees. Their more supportive work relationships (Table 1) appear to be one reason why this is so, adding to the literature on the importance of intrinsic factors for job satisfaction.

In a model that includes human capital and work context variables (research questions 3 and 4), race and the gender/race interaction are significant, suggesting that the impacts found in earlier research cannot be

accounted for by selected individual and work context variables in this model. Notably, sex and race segregation (high percent of coworkers of the same gender and race), which was found to affect job satisfaction in some earlier research, do not significantly affect job satisfaction for employees in 2002. With segregation variables in the equation, having supervisors and coworkers who provide support to help them do a good job and manage work and family life are strongly and positively related to job satisfaction. Thus, it would seem that workers today, regardless of gender or race, when thinking about job satisfaction, are more sensitive to their day-to-day work relationships than they are about being in same gender or same race workplaces.

Why race persists in being related to job satisfaction, despite controls for a large array of human capital and work context variables, remains an important focus for future research. It is possible that race discrimination plays a role. And differential access to human capital and work context characteristics may hinder racial minorities.

Employer-provided work/family policies, such as flextime or part-time work, often are not used by employees who fear negative repercussions to their careers (Glass & Estes, 1997). It would be useful for future research to examine the impact of supportive coworker and supervisor relationships on worker use of such policies to manage their work/family life.

Since women comprise almost one-half of the U.S. workforce, their work satisfaction is important to assess now and in the future. Such tracking provides a basis for evaluating periodic claims and concerns over possible worker discontent, as occurred in the 1970s (Firebaugh & Hawley, 1995). Correlates of women employees' job satisfaction also have implications for their work/family balance and their productivity. Although some managers are skeptical about providing formal and informal work/family supports, there is evidence that women in highly accommodating workplaces are "more satisfied with their jobs, took fewer sick days, were sick less often, worked more on their own time, worked later into their pregnancies, and were more likely to return to work" (Galinsky & Stein, 1990, p. 378). So, women employees' work satisfaction is important because it appears to be related not only to women's mental health but also to employers' bottom line.

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APPENDIX. DESCRIPTIVE STATISTICS OF ALL THE VARIABLES USED IN THIS STUDY

Variables	*N*	Range	Minimum	Maximum	Mean (Standard Deviation)
Job satisfaction	2,779	7.00	3.00	10.00	8.45 (1.67)
Gender (woman)	2,796	1.00	0.00	1.00	0.49
Race (white)	2,761	1.00	0.00	1.00	0.80
Education	2,796	8.00	1.00	9.00	4.00 (2.35)
Years worked in the current job	2,796	63.00	0.00	63.00	7.56 (8.35)
Hours of work at main job	2,779	99.00	1.00	100.00	43.04 (12.09)
Occupation (managerial/professional)	2,796	1.00	0.00	1.00	0.33
Work–family spillover	2,755	36.00	9.00	45.00	20.91 (6.74)
Workplace autonomy	2,745	13.00	5.00	18.00	13.23 (3.30)
Satisfaction with income	2,789	3.00	1.00	4.00	2.82 (0.88)
Perceived promotional opportunity	2,752	3.00	1.00	4.00	2.61 (1.04)
Supportive workplace culture	2,668	15.00	5.00	20.00	15.38 (3.42)
Supportive supervisor	2,324	30.00	10.00	40.00	33.27 (6.38)
Coworkers' support	2,762	6.00	2.00	8.00	6.73 (1.38)
Sex segregation	2,773	5.00	1.00	6.00	2.65 (1.10)
Racial/ethnic segregation	2,759	6.00	1.00	7.00	2.71 (1.34)

Note: N is the total number of cases.
Standard deviations are not provided for dummy variables.

"NOT ONE OF THE GUYS": WOMEN CHEFS REDEFINING GENDER IN THE CULINARY INDUSTRY

Deborah A. Harris and Patti A. Giuffre

ABSTRACT

Sociologists have documented how women in male-dominated occupations experience subtle and overt forms of discrimination based on gender stereotypes. This study examines women professional chefs to understand how they perceive and respond to stereotypes claiming women are not good leaders, are too emotional, and are not "cut out" for male-dominated work. Many of our participants resist these stereotypes and believe that their gender has benefited them in their jobs. Using in-depth interviews with women chefs, we show that they utilize essentialist gendered rhetoric to describe how women chefs are better than their male counterparts. While such rhetoric appears to support stereotypes emphasizing "natural" differences between men and women in the workplace, we suggest that women are reframing these discourses into a rhetoric of "feminine strength" wherein women draw from gender differences in ways that benefit them in their workplaces and their careers. Our conclusion discusses the implications of our findings for gender inequality at work.

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Despite the growing numbers of women receiving culinary degrees and the visible success of a select few women chefs, women still face barriers to succeeding in this industry. Professional kitchens have historically been the dominion of men, and women entering these kitchens have been regarded as "invaders" (Bartholomew & Garey, 1996; Cooper, 1997; Druckman, 2010; Fine, 1996). In this chapter, we explore the experiences of women chefs in the industry. We are especially interested in understanding how they cope with negative stereotypes about women in the industry.

Research on women in male-dominated work environments suggests that women must perform gender in very specific ways (Levin, 2001; Pierce, 1995). Women may attempt to fit in at work by becoming "social men" and hiding any form of gender difference through their appearance, interactions, and work performance (Acker, 1990). Researchers find that by emphasizing they are "like men" and "unlike women," women in nontraditional occupations can be accepted (Yount, 1991) and receive benefits such as finding strong men mentors and earning promotions, bonuses, and respect (Roth, 2006).

However, this traditional strategy of gender integration – requiring that women hide any traces of femininity within male-dominated organizations – may be losing some of its hegemonic power (Britton, 2003; Zimmer, 1987). For example, Britton (2003) noticed some of the women prison guards she interviewed sought to retain characteristics or behaviors that made them uniquely feminine. The women argued that keeping these gendered traits actually made them better workers by, for example, creating a calming presence in the prison that men guards could not provide. Women in other male-dominated work contexts, such as the Marines, also emphasized their femininity and women drill instructors "bragged" about "turning new recruits into feminine women" (Williams, 1989, p. 77).

Likewise, the women chefs we interviewed described their efforts to retain feminine characteristics. They engaged in a process of redefining femininity by emphasizing the positive elements of being a woman in a male-dominated field. Furthermore, the women who utilized this strategy perceived links between their feminine gender performance and their successful careers. They also believed that performing femininity changed the professional kitchen subculture in positive ways. We argue that this strategy of emphasizing femininity can paradoxically challenge stereotypes about femininity, professionalism, and women in managerial roles.

Our study emphasizes women's perceptions of how they have changed the gendered culture of the kitchen. Whether professional kitchens, culinary institutes, and other settings are *actually* transformed by women is difficult

to ascertain using our data. All studies using self-reports without observational data are limited in this way. Our interviews do not allow us to determine why changes are occurring in the culinary industry; nor can we describe actual day-to-day life in kitchens. Nevertheless, exploring the gendered rhetoric employed by our respondents can provide insight into how organizations might respond to changing gender demographics, as well as provide potential recommendations for increasing gender parity in male-dominated workplaces.

WOMEN IN THE CULINARY INDUSTRY

Early chefs were members of the military and were exclusively men (Ferguson, 2004; Symons, 2000). Even today, kitchen workers are often referred to as a "brigade," mimicking the organization of a military unit. In the 17th century, the landed nobility began to rely upon chefs to prepare food, and the employment of a man in this capacity was seen as a sign of one's status (Trubek, 2000). As chefs began to take on more power in shaping the cultural and culinary world around them, they searched for ways to separate cuisine with a high social value, or haute cuisine, from the everyday, and little valued, cookery of women (Cooper, 1997; DeVault, 1991; Ferguson, 2004; Olliff, 1998; Swinbank, 2002; Symons, 2000; Trubek, 2000).

Initially, this gendered division was aided by the rise of separate spheres for men and women, which prevented women from participating in the growing restaurant industry in Europe (Ferguson, 2004). Men controlled the means of professional legitimation such as authoring cookbooks, teaching at culinary schools, and exhibiting at culinary expositions. Such arrangements placed men in the role of "educator" and their women audience members as "students," helping to institutionalize the exclusion of women from professional cooking (Ferguson, 2004; Symons, 2000; Trubek, 2000).

Several of these traditions carried over to the arrangement of modern restaurants. The strict military-based hierarchy of cooks and chefs remains. Kitchens are generally led by a head or executive chef. In popular cooking shows on TV, virtually anyone working in a professional kitchen is called a chef (Ruhlman, 2007). Executive chefs are typically in charge of directing others and providing creative leadership in recipe and menu development. They tend to work in "full service" establishments; more casual dining places usually do not employ a chef. Next in the hierarchy is the "first line supervisor" (also called the "sous chef"), who supervises workers and prepares food. Below these levels are cooks, who are responsible for various

Table 1. Percentage of Women in Selected Culinary Occupations (2003–2008).

Occupation	2003	2004	2005	2006	2007	2008
Chefs and head cooks	17	19	17	20	18	14
First-line supervisors	56	56	60	57	57	58
Cooks	39	38	36	40	35	37
Food preparation workers	50	57	56	53	61	70

Source: Bureau of Labor Statistics, "Median usual weekly earnings of full-time wage and salary workers, by detailed occupations and sex," Table 2 (http://www.bls.gov/cps/cpswom2008.pdf, http://www.bls.gov/cps/cpswom2007.pdf, http://www.bls.gov/cps/cpswom2006.pdf, http://www.bls.gov/cps/cpswom2005.pdf, http://www.bls.gov/cps/cpswom2004.pdf, http://www.bls.gov/cps/cpswom2003.pdf.).

stations in the kitchen such as meat, fish, pasta, and garde manager (in charge of preparing salads and cold appetizers). Not all restaurants employ a chef while all restaurants employ cooks, who mainly serve as line workers and perform manual labor (Fine, 1996). As a general rule, more "upscale" restaurants will employ a mixture of chefs and cooks while fast food restaurants, diners, delis, and similar establishments employ only cooks. The bottom rank consists of "food preparation workers" who perform the most repetitive, menial tasks in the kitchen.

As Table 1 indicates, women are underrepresented in the top job of "Chef and head cook." The percentage of women in this top job has actually declined in recent years. Women are overrepresented in the first-line supervisory positions, and in the bottom rank of "food preparation worker," where their percentage has increased in recent years.

The strict hierarchy of the kitchen is balanced by the necessity to cultivate community and encourage teamwork (Fine, 1996). The typically cramped quarters and high-stress work environment means that creating and maintaining a cohesive work group is essential for kitchens to function. Women are seen as interfering with this solidarity (Druckman, 2010; Fine, 1987). In addition, professional chefs' schedules often require them to work long hours, often on nights and weekends, which are perceived as incompatible with family responsibilities that may fall on mothers (Harris & Giuffre, in press). Many employers also do not offer health benefits, which may discourage some women from entering or remaining in the industry (Cooper, 1997; Sinclair, 2006). The limited research on women chefs suggests that women face discrimination in regards to hiring, pay, and advancement (Bartholomew & Garey, 1996; Cooper, 1997;

Dornenburg & Page, 1995). Sexual harassment and/or hazing behavior has also been found to be prevalent in professional kitchens (Cooper, 1997; Druckman, 2010; Fine, 1987; Sinclair, 2006).

Women in male-dominated occupations are likely to experience various forms of gender discrimination but few studies have examined how women actually deal with this negative treatment. This chapter explores how women chefs discuss and respond to gender stereotypes about men and women in their industry. We analyze the gender stereotypes that have kept women out of the top jobs in the culinary field, and how women think about and attempt to subvert those stereotypes in order to succeed in the industry.

METHODS

This study is based on in-depth interviews with 33 women with experience working as professional chefs. Our sample includes head chefs, sous chefs, and pastry chefs. Although the latter two groups work under executive chefs, they still exercised some degree of creative autonomy and supervisory power. Such participants were able to draw from their years in the culinary field and experiences moving up the kitchen hierarchy.

We also interviewed women who had completed culinary school training. Not all students who complete culinary school become employed as professional chefs (and not all professional chefs attend culinary school), but women who attended culinary institutes are able to speak about how students are indoctrinated into the culture of the profession and can provide valuable insight into the gendering of this career. As Table 2 indicates, there was considerable overlap between the two groups.

The women we interviewed work in many types of kitchens: restaurants, culinary institutes, bakeries, and private professional kitchens used for catering. We included women who currently work in professional kitchens, as well as women who left these work environments for other employment in the culinary field. Speaking with women with diverse work backgrounds also helps us explore why chefs move into specific positions within the culinary industry, as we suspected that some women were discouraged or blocked (formally or informally) from being in professional, upscale, restaurant kitchens due to their gender.

We recruited participants using a snowball sampling procedure. We located our initial respondents by reading websites and online publications devoted to the culinary scene within a southern state and making note of any women chefs that were mentioned. These women were then contacted

Table 2. Demographic Information.

Pseudonym	Position	Line or Pastry	Years in Industry	Age	Race/ Ethnicity	Marital Status	No. of Children	Culinary School
Alexandra	Cooking instructor	Line	22	36	Asian	Divorced	0	Yes
Amber	Owner, meal delivery service	Line	10	34	White	Married	1	No
Anna	Executive chef	Line	17	40	Hispanic	Married	1	Yes
Brenda	Owner, pastry shop	Pastry	18	54	White	Single	0	Yes
Camille	Executive pastry chef, restaurant	Pastry	12	32	White	Married	2	Yes
Candace	Pastry chef, restaurant	Pastry	6	39	White	Engaged	0	No
Cathy	Chef, owner of restaurant	Line	25	60	White	Married	2	Yes
Chelsea	Culinary instructor, pastry chef	Pastry	15	34	White	Divorced	1	Yes
Christine	Culinary instructor, pastry chef	Pastry	7	31	White	Married	1	Yes
Dana	Executive chef	Line	7	24	White	Single	0	Yes
Elisa	Executive chef, owner	Line	3	46	Hispanic	Married	2	Yes
Ellen	Culinary instructor, pastry chef	Pastry	28	42	White	Divorced	3	Yes
Erin	Chef de cuisine	Line	22	37	White	Married	1	Yes
Gloria	Owner, upscale catering	Line	25	57	White	Married	1	Yes
Jane	Culinary instructor, pastry chef	Pastry	20	35	White	Married	0	Yes
Jill	Chef, restaurant	Line	10	36	White	Married	0	Yes
Joan	Selling manager, upscale grocer	Line	26	42	White	Married	3	Yes
Karen	Executive pastry chef, hotel	Pastry	16	32	Hispanic	Single	0	Yes
Kate	Owner, business end of restaurant	Line	32	49	White	Married	0	No
Lisa	Culinary instructor, upscale grocer	Line	30	49	White	Single	0	Yes
Lyndsay	Pastry chef, upscale grocer and café	Pastry	10	26	White	Partnered	0	Yes
Marisel	Chef, restaurant owner	Line	25	45	Hispanic	Married	4	No
Melissa	Owner, pastry shop	Pastry	12	36	White	Single	0	Yes
Michelle	Executive chef, owner	Line	15	52	Black	Married	0	Yes
Monica	Sous chef, upscale grocer and café	Line	3	25	Hispanic	Married	0	Yes
Natasha	Chef de cuisine, bistro	Line	8	31	White	Married	0	Yes
Patricia	Executive chef, owner	Line	25	59	White	Divorced	2	Yes
Rose	Culinary instructor, pastry chef	Pastry	25	43	White	Married	2	Yes
Sara	Culinary instructor	Pastry	9	25	White	Married	1	Yes
Sharon	Culinary instructor, pastry chef	Pastry	12	47	White	Married	0	Yes
Shelly	Executive chef, owner	Line	21	43	White	Single	0	Yes
Susan	Pastry chef, owner of pastry store	Pastry	6	28	Asian	Married	0	Yes
Tabitha	Pastry chef, upscale restaurant	Pastry	18	34	Black	Married	0	No

and briefed about the study, and interviews were scheduled for those who wished to participate. From our original list, approximately 75% of the women we were able to contact agreed to an interview. Once initial contact was made, we also asked for recommendations of other women who had experiences working as professional chefs. We made efforts to recruit a professionally diverse group of women (see Table 2). Of this group, 17 currently work as chefs in restaurant kitchens (12 work on the "hot" side of the kitchen preparing food and as 5 work on the "cold" side as pastry chefs). On average, our participants had worked in the culinary industry for 15 years, with their years in the industry ranging from 3 to 32 years. Respondents' ages ranged from 24 to 60, with an average of 39. We interviewed 24 white women, 5 Hispanic or Latina women, 2 black women, and 2 Asian women. All but one of the respondents is heterosexual. Of these participants, 21 were married or cohabitating at the time of their interview, and 15 had children. All the names are pseudonyms, and we have altered some of the respondents' quotes in minor ways in order to protect their identity.

For this chapter, we were interested in understanding women's perceptions of gender differences in the culinary industry. We used qualitative semi-structured interviews so that our participants may reflect on and talk in detail about their experiences (Esterberg, 2002). Both authors conducted interviews. During the interviews, we asked our respondents about their motivations to become a chef, methods of training, work experiences, and the ability to advance in the field. We also asked them to describe the changing nature of what it means to be a chef (in general, and comparing men and women in the field), work/family/life balance, the common perceptions of women chefs, and the future of women in the culinary industry. We transcribed the interviews and analyzed the transcripts using open- and focused-coding techniques to identify common themes within and across our groups of participants (Esterberg, 2002; Miles & Huberman, 1994). We analyzed the transcripts individually and then compared the themes we identified. As we analyzed the data, we paid attention to how these women described themselves and other women compared to men chefs.

FINDINGS

Women chefs are a small minority in professional kitchens. Several of our respondents had spent much of their careers as the only woman cook or chef employed in their workplaces. Older respondents recalled men chefs early in

their careers who were reluctant to hire women because they assumed the women were "just going to get pregnant and leave," wasting the months spent training them to work in the kitchen. The women we talked to also perceived that hiring discrimination is based on beliefs that women are unable to fulfill the demanding physical requirements of working in professional kitchens, and that their presence would disrupt the masculine work culture.

The women in our study thought that their men colleagues viewed them as "invaders." One described being placed on the salad station, a low position in the kitchen (just above the dishwashers), despite having held much higher chef positions in the past. Common stereotypes are that women chefs are not good leaders, are too emotional, and that they are not "cut out" for male-dominated work. The chefs said that they experienced a vetting period in which they had to prove that they were physically capable and that they would fit in with the masculine work culture. They recalled learning to "tune things out" when male coworkers traded sexual jokes and stories and learning to stand up for themselves when these jokes were aimed at them, sometimes "throwing it right back at them."

However, some of those women who reached supervisory positions claimed that they moved away from the need to participate in these masculine rituals, and instead began to resist these stereotypes. Interestingly, this was often done by emphasizing differences between men and women chefs. At first these discussions appeared to mirror, and even support, gender stereotypes about women chefs. On closer examination, this rhetoric seemed to be a means to reframe and even resist these stereotypes. Their statements recast the "masculine" way of being a chef as lacking and outdated, and asserted that the very feminine characteristics and behaviors that men chefs often cited as a reason to deny women jobs and promotions were a source of personal and professional strength. We refer to these contrasts of gendered behavior as "discourses of feminine strength" and suggest that such talk serves as a major coping mechanism for women chefs. We discuss three forms of this discourse. Respondents viewed women's strengths and superiority over men as evident in (1) their cooking skills and (2) their management skills. Respondents also maintained that women (3) transformed the workplace culture in positive ways.

Cooking Skills

In contrast to the popular assumption that men make better chefs, women in our study discussed ways in which women are "naturally" better suited to be

professional chefs than men. Many attributed this to the different motivations of men and women for entering the career and suggested men chefs were guided by the need to impress others while women were more driven by a need to please others. While this appears to place women in subordinate "serving" positions, the women used such statements to argue that women make better chefs. For example, Melissa said:

> I think a lot of times women are better chefs than men just because they take the time and the patience to look at things. … And touch and feel is a big deal. You want to touch and feel everything [as a chef]. I know you think men are more visual, but I feel that maybe women are more sensual. … Like if a pasta gets laid on a plate, they [women] are more apt to just gently put it on there and then just lay everything on. … And that's why you have a chef that cares. And maybe the men who are like that are the ones who turn into the head chef, because they pay attention to every detail.

Melissa's comments suggest that women have a special sensuality that helps them in their cooking. She turns the expectations about succeeding as a chef on its head. According to her, it is not women chefs who act like men who become great chefs, but men chefs who hold feminine attributes that rise to the top of the profession. Melissa's comments suggest that gendered attributes, such as the "caring" women, put into their work, provides special benefits that allow women chefs to be better than men.

Several respondents emphasized that men chefs were "ego driven" while women chefs were driven by a desire to produce good food that would make their customers happy. Women, they argued, were not led by gratifying their egos and this was a tremendous asset to their performance in the kitchen. While men chefs were more concerned with earning accolades or "making a splash" in order to impress others, women were more likely to enter the career because they enjoyed the creative aspect of being a chef and feeding others as a nurturing act, much like the way women related to feeding within the home (DeVault, 1991).

The stereotype of the loud, ego-driven male chef almost dissuaded Tabitha from entering the field. As she explained, "I never really wanted to be a chef. I always thought they were dickheads [big laugh]. Obnoxious, pompous. Just ridiculous people." Camille, an executive pastry chef, looked upon ego-driven chefs with humor:

> A lot of cooks think they have a really hard job [laughs]. And there's no way that anyone but them could do it … Some of the cooks here, they think that, "Man, I'm the best [laughs]. I'm the only one who could work this hot station or this grill station or whatever." …I think it comes from kind of thinking that cooking food to the right temperature is some kind of amazing accomplishment [big laugh].

Camille's words were meant to deflate some of the "inflated egos" she sees among the men kitchen staff and to make light of their "accomplishments." She believed that men take on this attitude to boost their confidence and make their food better. Respondents described women as being above such things and not needing to adopt these competitive attitudes.

Jill, a head chef, recalled how a woman mentor of hers claimed to be able to evaluate whether someone would be a good chef or not based on how they placed pasta on a plate. If they "threw" the pasta on the plate, it indicated sloppiness and a lack of respect for the food; if they carefully laid the pasta on the plate, like how Melissa described, it indicated a meticulous and caring work ethic.

Likewise, several respondents said that women were neater and better organized than men. For example, Anna contrasted pastry kitchens, which are one of the few chef jobs to be held by a woman, with the more male-dominated "hot side" of professional kitchens, and noted that ingredients in pastry kitchens were always labeled. Anna drew on this gender comparison when trying to get her male subordinates to be neater. She explained: "If I want things organized a certain way, I mean, really, really organized, then I go: 'Imagine your mom is going to come in here and say, 'Where is the garlic?' and you have to find the garlic like that [snaps fingers].'" For Anna, having an orderly, labeled work area was the kind of demand that a mother would make and, by reminding men of their mothers' standards, she was able to get men to understand the level of organization she wanted in her kitchen.

Shelley, who owned her own restaurant, felt that men "fly by the seat [of their pants]" and cook by adding "a little of this, a little of that," whereas women were more apt to cook by recipe. These traits helped women chefs exhibit more consistency, which is important in professional cooking as each plate of a certain dish is expected to look and taste alike. Alexandra recalled how, after she left a particular hotel job, her former boss began hiring more women because "You tell them [women chefs] once and you never have to worry about the plating being different."

Respondents linked the ability to consistently produce good food with the concentration of women in the job of pastry chef. As Melissa, who owned her own bakery explained, "It's a meticulous business. Not to say that regular food is not, but there's a lot more room for – I wouldn't say 'error' but, creativity and plating. Every fish is not going to fall the same way [when you put it on the plate] … but every tart shell should be exactly the same." Some women argued that women are more patient than men in dealing with the numerous small details (e.g., sculpting hundreds of gum paste flowers for

a wedding cake). Rose, who taught pastry course at a culinary institute, described women students as caring more about "details" and being "perfectionists" while she sometimes had to remind her men students that "It's not who's done first. It's who's done the nicest."

Some of the women claimed that chefs on the "hot side," particularly men working on the line, were critical of the work of pastry chefs, who often worked in a separate part of the kitchen. Many line cooks did not (or could not) "do" pastry and therefore did not understand the details of the job. Patricia, an executive chef and restaurant owner, explained that pastry was seen as "women's work" and derided because it was "too fussy, too detailed." In her description of pastry work, Patricia confronts this stereotype saying:

> It's also more challenging. Pastry is an exact science. You have to have a chemical mind to know that you can't go one cup extra flour or else the whole thing changes. … You have to follow the recipe. There is no "ifs," "ands," or "buts." You have to follow the recipe or it doesn't turn out right. It takes a very special mind. A very creative mind, especially if you're a cake decorator. Every piece is a work of art. … When I think of a pastry chef, they're the ones who make it from scratch and they have an art behind them. Very specialized, just like doctors. They do knee cap surgeries or they do the whole body. It's just very specialized.

Patricia resists the devaluing of pastry work and the women who often perform it. In one sentence, she focuses on the knowledge of chemistry required to be a pastry chef. She also acknowledges that, more than other kinds of food, desserts can be used as showpieces and works of art. Finally, she likens the different specializations of pastry chefs to the types of specialties held by surgeons – occupations that are high status and require extreme technical expertise.

The women were proud that they were able to remain organized and "see the big picture" while simultaneously completing several complex tasks. Again, this was attributed to gender and the ways that mothers were required to multitask. Alexandra remarked on this difference and recalled a well-known man chef who claimed that women actually made better grill masters (possibly the most male-dominated station in the kitchen) than men because women would work on several different tasks at once, versus men who focused only on their own station and kept "poking" at the meat. Another participant, Dana, described how, as the executive chef, she had to "break down" tasks for her male subordinates saying: "I have to be very specific with them [and say] 'I need you to go do this and go do that.'" In both examples, women chefs infantilize the men in the kitchen who are unable to keep up with the numerous demands during a shift and needed

constant reminders – much like children require from a mother – in order to complete work responsibilities.

Our participants shared how it was not just how the women organized work tasks that differentiated them from men, but also their entire approach to professional cooking. Several women stated that women "put taste first." This phrase took on several meanings. For Michelle, whose husband was also a chef, it described how the couple's approach to food was "completely different." While Michelle focused mainly on the "flavors and the beauty of the plate," she noted that her husband focused more on the "construction" of a dish and how to get it to the customer within a specific time. While it is important for diners to receive their food in a timely manner, several women discussed how men sometimes placed emphasis on speed over taste. Susan, a caterer, said that her husband rushed her when he helped with catering jobs so as not to be late. During these times, Susan reminded him, "It's okay to be late. The food needs to be presentable."

Several chefs were critical of the "slam and jam" style of men's cooking. They claimed that men who cooked this way focused less on the food and the experience of the customers than the competition of preparing food the quickest or filling the most orders each night, in part because of their ego. Others detailed how ego could lead to a competitive work atmosphere where men chefs would attempt to "showboat." When this happened, one chef explained, the focus shifted to their own accomplishments and "Quien es mas macho?" (Who is more masculine?) rather than working together as a team. This lack of teamwork was detrimental to professional kitchens and the complex division of labor needed to execute a successful shift. Chelsea, who taught at a culinary school, noticed this in her men students:

> Men size themselves up. They do it all the time … They can't write [the menu] together. One person has to write it and the other person has to help execute it, and when something's not right [they have to] blame that person. They're very insecure about it. I said to one of them, "Did you write that? Who wrote that recipe?" [They replied] "Why? Is there something wrong with it?" [I thought], "God! Get over it!"

According to Chelsea, "It's always about who's going to be better" for men students. The men were not secure enough to ask for help with planning a menu, and the push to be competitive meant they were unlikely to give each other honest criticism. Instead, they preferred to see if their classmates' dishes were unsuccessful during service and then to criticize them for poor judgment, which contradicts popular notions of the teamwork carried out by all-men cooking crews. Chelsea contrasted this with how she interacted with women students or other women instructors. She believed that, because

women chefs did not feel the need to be competitive, they are able to be honest with each other. Chelsea explained, "I will be more apt to tell a woman, or one of my chefs, 'That sounds like shit. Don't do that. It's not going to taste good' … You have to be able to have people to bounce ideas off of." By focusing on the end result (a good dinner service with happy customers) instead of personal and professional gratification, women said they are able to set their egos aside and work together as a team.

While being led by one's ego was understood as a man's weakness, women's ability to work together as a team and put the customers' needs first was mentioned as a major strength of being a woman in this occupation. Respondents described women as actually more secure in their abilities, and hence, able to put personal glory aside for the good of the team. They were also more willing to "jump in" and offer to help work at a busy station during a rush. While women could "tough it out" and take criticism, men were more likely to construe any criticism of their food personally and then throw a "temper tantrum" when they felt slighted. These examples were given as reasons why women chefs were better able than men to handle the pressures of professional kitchens. Melissa recalled a time when a man chef who was under intense pressure during a dinner service left for a "break" and never returned. During her description of the incident, she proudly admitted, "I've never seen a woman do that." Other women said that they never cried in front of coworkers, even when the stress of their job was enough to drive them to tears; however, they described times when the men they worked with cried out of stress and frustration.

These differences in handling the stress of professional kitchen work were attributed to natural differences between men and women. Chelsea suggested that women's roles as mothers required a single-minded determination that was important in the kitchen:

> [Women] tend to just get it done. Tend to go into the zone. Like "I'm going to stop worrying about what just happened and just get it done." … Maybe it's because they're mothers. I don't know what it is, but sometimes you just don't have a choice. You don't have the chance to whine or figure out what went wrong.

Her comments suggest that women are used to doing many things at once and focusing on "the big picture" rather than their own sense of self. They also serve to emphasize a source of strength (mothering) that men can never access. Such comments are an interesting juxtaposition to the common discourse that suggests women in physically demanding and stressful careers are ill suited for such work (Britton, 2003; Yount, 1991; Zimmer, 1987) or that, once they have children, women's work will suffer (Harris & Giuffre, in press).

Management Skills

Traditionally, women have been accused of being poor leaders because they do not fit the ideal of men's leadership marked by an authoritarian style of management and hierarchical chain of command (Britton, 2003; Williams, 1989). However, research suggests that culturally defined feminine traits, such as being calm and nurturing (Zimmer, 1987) and treating people humanely (Miller, Forest, & Jurik, 2003) can serve as valuable forms of leadership within organizations. For our participants, these traits were linked to their "maternal" and "sisterly" interactions with staff. Alexandra, who managed a large special events staff at a restaurant, said she paid attention to the staff and any problems they were facing with their families. In contrast to men managers who "were more ready to punish" when someone missed work, Alexandra tried to empathize with her staff and "remember who it is that you're talking to and where they're coming from."

Caring about staff and treating them like "family" were important for several of our respondents. Cathy, the chef-owner of a café, discussed how she tried to engage all the members of her staff and to lead by consensus, which she believed was how most women tended to run their restaurants. By engaging all of her employees, she felt she created a better relationship between the "back of the house" where the food was prepared and the "front of the house" staff that served the food and interacted with customers, which helped the overall operation of the restaurant.

Other chefs discussed how taking the "mom" or "sister" role with their men coworkers could help them in their work. Natasha, an executive sous chef, supervised a staff of young men. According to her, "They let me baby them and they let me take care of them. I've been kind of a motherly figure to them." Acting "like a mom" and lecturing her male chefs about their responsibilities helped Natasha establish her authority and, as a result, "They clean their room. It's like, 'Please go clean up your station. If you were coming into that station, you know you'd be so mad at that other person, right?" For Natasha, the gender and slight age difference between her and her staff marked her as an "other." By taking on the "mom" role, Natasha was seen as a legitimate authority figure without having to adapt to masculine forms of kitchen leadership. While Natasha says she has never used her gender and the mother role "purposefully," she says "that's just who I am," reinforcing the concept of "natural" differences between men chefs who "bully" and women chefs who "mother."

Candace recalled gender differences in how men chefs trained staff: "They [women] will make sure you're a little more comfortable.

A man will say, 'Do this,' and wait and see how you juggle things … In my experience, I've just felt less thrown to the wolves so to speak if it's a woman who's the head of the kitchen as opposed to a man.'' Melissa had also experienced some negative work environments during her on-the-job training and she vowed never to lead her own staff that way. She recalled:

> I don't know how many times I went home crying from various different chefs. Just went home because I felt like complete crap. I couldn't do anything right. … So [with] everybody who's ever worked for me, I have been like, ''I can tell you things aren't right, but I should never make you feel like less of a person. If you don't know something, then I need to teach you how to do it right [and] not just berate you over it.'' … I don't ever want someone who works for me to go home upset over their job.

Some women chefs said they are better teachers than men because they more ''patient'' and better at explaining things. Such designations may limit women to certain jobs within the kitchen, but many of these women enjoyed this aspect of their jobs and used this experience to earn positions as chef instructors once they left professional kitchens. They also commented that demonstrating to new hires how to do specific tasks is an example of how hard women worked and that they could actually be more willing than men to ''get their hands dirty.''

The women we interviewed felt that nurturing young talent and allowing new chefs to make mistakes in order to learn were important parts of their jobs, and they felt responsible for setting a positive example for those working with – not beneath – them. Even among executive chefs and chef-owners, it was common to hear the women discuss doing some of the ''grunt work'' at their restaurants, such as cleaning or taking out the trash. They said that they focused less on titles and more on the work that needed to be done, and chose to take on some of the less prestigious tasks, which they thought that men chefs viewed as beneath their station. This illustrated their commitment to their staff and their willingness to ''lead by example'' rather than delegating.

Kate, a successful restaurateur, noted that women chefs sometimes made better managers than men because they could balance being strong leaders while still being sensitive and caring to others' needs. She and others cautioned that women had to be careful when acting ''maternal'' toward their staff. Some respondents said it could be dangerous to be too friendly with the staff, and a few admitted, ''I'm a nice boss. I'm too nice.'' While caring for their staff and nurturing their talent was useful in creating a harmonious and creative kitchen, sometimes employees could take advantage. Natasha, who used her ''mothering'' nature to keep her younger

male staff in line, also had to draw boundaries to deal with unreasonable requests. She explained, "I think it's necessary to have that respect that you aren't just everybody's best friend, or else they'll just end up walking all over you. [They will] come to you saying: 'Please! I need this day off.' … It's just pathetic." Keeping this balance between "mothering" and "managing" appears to be a challenge to women chefs; however, many said that taking a more personal interest in their staff ultimately created a strong work team and a great sense of solidarity. Women chefs who could juggle these complex relationships thought that they had a greater chance at success than those pursuing a more authoritarian, masculine leadership style. This may speak to gendered expectations that women managers will be more "caring" than men, and that social sanctions exist when women violate these norms. It also suggests that some women resisted the traditional (masculine) traits of work leader, suggesting different expectations regarding gender and management.

Relying on a relational style of interacting also extended to the front of the house, according to our respondents. Although they mentioned that women chefs did not need professional accolades to the extent that men did, several of the women felt that their gender actually helped them when interacting with the public. Whether it was the novelty of seeing a woman and not a "big guy in a white hat" or just better communication skills, several respondents said that they were more approachable to the public than men. This "customer service" aspect of the job was important when economic changes mean that members of the public are more cautious about how and where they spend their money.

Transforming Workplace Culture

The women we interviewed often used essentialized gender language to claim that women chefs can transform the workplace culture of professional kitchens. They claimed that women calm the kitchen and decrease the incidences of sexual harassment and other sexually offensive behaviors and language. They also suggested that the recent popular culture attention given to chefs and the increased status awarded to the career is part of a larger trend in professionalizing the occupation. In their opinions, women have added to this new professionalism in ways that draw from feminine strengths (i.e., not by being "bitches" or "like men"). Such statements not only allow women the psychological benefit of resisting gender-based stigma

in the workplace, but might also serve as a blueprint for how women chefs can help change the male-dominated kitchen culture.

A number of respondents described how women have a ''calming presence'' in the kitchen. They stated that men are more likely to fit the popular culture view of the angry professional chef who uses offensive or sexually aggressive language in the kitchen. In contrast, women were more likely to foster a ''comforting'' and more ''respectful'' workplace. Dana commented that the restaurant owners at her job wanted to hire a woman for the head position. When asked why, she said:

> From what I hear about when the other head chef was there – and he was a guy – when there's not a woman in the kitchen, there's just so much testosterone and grossness. I think it [having a woman in charge] calms things down. Everyone feels more comfortable. The wait staff thinks they can ask questions. It's not so scary. … Yeah, there's like a calm. I guess guys feel like they have to act the fool all the time. I think there's a certain level of maturity that has to be brought in. Granted, I would never know what's that like. I've never worked in a kitchen with all guys because I am a woman. But that's what I've heard. I heard it was … not more hostile but maybe just more aggressive.

According to Dana and several others, the very presence of a woman in the kitchen impacts how the men behave. When unchecked, an all-men kitchen can foster a workplace where ''grossness'' such as sexual joking and aggressive teasing dominate. In Fine's (1996) ethnography of restaurant kitchens, such interactions serve as a form of one-upmanship and a way of creating solidarity among coworkers. In Dana's statement, however, there are negative repercussions of such an atmosphere as the men chef's behavior intimidates the wait staff and makes them afraid to ask questions, which could have a negative impact on service.

As with other distinctions between ''masculine'' and ''feminine'' ways of being a chef, these differences are essentialized so much so that, according to Dana, the very hormonal differences between men and women (i.e., the link between ''testosterone'' and ''grossness'') are used to explain how the two genders approach managing a kitchen. Dana admits that she has never actually experienced any of this hypermasculinity at work as the very presence of a woman inhibits men's behavior. Instead, she references conversations with the restaurant owners and how they viewed an all-men kitchen. According to the owners, women bring maturity and contribute to less aggression.

One way women exhibited maturity related to how they handled conflicts at work. While participants discussed how they liked to confront problems ''head on,'' particularly if they felt the problems stemmed from the men's dislike of being managed by a woman, they also found ways to address

problems in the workplace in ways that ''kept the peace.'' Elisa, a chef-owner, described one of her chefs as wonderful but, when something didn't go his way, he became angry and started saying ''bad words.'' When this happened, it became impossible to talk to him. Eventually, Elisa chose to pull him aside and told him:

> It's not good for you. It's not good for us. It's not going to help anybody. Nobody can help you better if you're angry and say bad words. So you have to say exactly what you need and ask the people for that and then they can help you. They don't know what to do when you're upset and say bad words. Everybody freaks out and it's worse. No more.

According to Elisa, having the conversation in private and framing the issues around how his behavior affected the kitchen community helped to change his behavior and make her kitchen a much calmer place, which benefited all the employees.

Changing the kitchen culture is not done without effort. It seems that for some women in our sample, this transformation in kitchen norms requires a gendered type of emotional labor (Leidner, 1991; Wharton, 1999). As Dana explained, she has to ''manipulate the way I am,'' and be careful of the tone she uses when telling her subordinates how to do their jobs to avoid being labeled as ''mean'' by her employees. Dana spoke of this need to perform emotional labor as a frustration, but one that had to be endured to keep relationships in the kitchen positive.

In attempts to change the highly masculine, aggressive kitchen and role of chef, women challenge the ''old way'' but rely on feminine qualities in order to do so. Instead of relying on ''aggressive'' methods to reshape workplace norms, they rely more on expressions of concern (such as Elisa's interaction with one of her men chefs) and indirect ways of reducing negative masculine elements of the kitchen culture (such as Dana's careful presentation of self).

Several respondents discussed how their ''calming'' presence helped decrease sexual harassment in the kitchen. Among chefs in our study, the most common experiences of sexual harassment involved sexual teasing and joking from men coworkers either directed at them (such as posting sexual pictures where workers on ''the line'' would be forced to view them) or said in their presence. This was fairly frequent and one chef even laughingly described interactions in professional kitchens as ''It's ALL sexual harassment!''

Our participants believed that the presence of a woman in authority reduced some of the typical ''raunchy'' jokes and sexual discussions that occur in many kitchens. Sexual joking and sexualized behavior were mentioned as a way of dealing with stressful work performed for long hours

in close space. Despite the overt sexual overtones of some of this behavior, and the general aggressiveness of the joking, the majority of our participants treated this element of their job as something to endure – a hazing process necessary to prove their ''toughness'' to men chefs. Although some of the women interviewed insisted that this hazing process made them stronger, many of the women took actions to decrease offensive jokes or using sexualized language when they reached positions of authority, such as executive chefs or culinary instructors.

As a successful pastry chef, Brenda had spent years working for hotel chains and said that she has never experienced sexual harassment personally but she believed that she was able to stop sexual harassment in a kitchen where she worked. When men cooks entered the pastry kitchen at the hotel, Brenda interpreted this as the men's way of starting trouble with the women pastry assistants. She asked them, ''Do you need to be here?'' and told them to leave if she felt they were disruptive. Another time she recounted the surprise of her coworkers when she took a case of sexual harassment to the executive chef instead of informally dealing with the situation. In describing the incident in which a man coworker had touched the breast of a woman employee, Brenda asked, ''What was I supposed to do? She was standing there crying.'' For Brenda, her subordinate's obvious distress over the incident meant that it had crossed the line from teasing to assault. Brenda expressed her exasperation with the casual acceptance of harassment in professional kitchens. In particular, she voiced frustration with women who dismissed sexual jokes and teasing as just men chefs' attempts to be ''fun.''

Women in other male-dominated occupations and workplaces often have to negotiate when, how, and whether to participate in sexualized jokes and discussions. Yount's (1991) research on coal mine workers found that women managed sexual harassment by either becoming ''ladies,'' ''flirts,'' or ''tomboys.'' The ''tomboys'' in her study were more likely to be accepted by men coworkers than the other two groups because they confronted men and participated in the ''razzing.'' On the other hand, studies by Roth (2006) and Levin (2001) find that women who participated in sexual joking were stigmatized by men coworkers as they tried to ''fit in'' to the highly masculinized work cultures. This suggests that women in male-dominated occupations must walk a fine line when dealing with issues of harassment.

Our participants discussed how they set up boundaries in order to alter the kitchen culture. For these women, boundaries helped establish a sense of ''respect'' in the kitchen that benefited all workers. Michelle, an executive

chef and owner, said, "I think you have to formulate that respect but at the same time know that men are men. They work differently. They talk differently. I just say, 'I don't want to hear that,' or 'Hey, there's a woman back here,' or 'There are women back here,' and then they respect that." In her opinion, these reminders about inappropriate behavior effectively reduced sexualized talk and increased respect among employees. Nevertheless, the way she framed her request ("There's a woman back here") suggests that women are still newcomers in the kitchen who must be accommodated due to their minority status.

Our respondents claimed that reducing sexualized talk and other offensive language not only made professional kitchens less offensive to women but also helped instill the idea that kitchens were the workplaces of highly trained professionals. Kate, for example, was a restaurant owner who rejected the masculine culture in the kitchen. She maintained that all-male kitchens could quickly turn into a "Boys' Club," which could have negative implications for her restaurant. She described the Boys' Club as filled with swearing and competitive, macho behavior. Kate remembered firing one head chef because he did not take constructive criticism about his dishes. She said he was more concerned with proving he was the best than responding to the needs of the restaurant. Due to this, Kate and her business partner made attempts to actually change the gender composition of their kitchen by hiring more women. She explained the benefits of doing so:

> When there are women in the kitchen, there's a different kind of respect that has to be shown in the kitchen, and I think that's a good thing. [Having women in the kitchen improves] just respect as far as – not that everyone in the kitchen needs to hear what you've been up to last night. … I think it just tends to keep it a little more professional. … [As an owner, I] try and find a mix of guys that don't get into that, and throw a couple of strong women into that mix, it pipes them down.

According to Kate, "strong women" discourage swearing and sexual talk in the Boys' Club while promoting a "respectful" work atmosphere.

Natasha, who once worked for Kate, recalled how her promotion to sous chef and the hiring of two more women at the restaurant radically changed the atmosphere in the kitchen. Things were calmer and less competitive. A male coworker even commented that "Hey, it's Girls' Club now" even though men still greatly outnumbered women in that kitchen. However, these changes proved to be relatively short-lived: After Natasha and another woman left the restaurant, Natasha heard from a friend that the Boys' Club had returned.

CONCLUSION

The goal of this study was to explore how women chefs see themselves in relation to men, and how they perceive women's place in the culinary industry. The interview data indicate that women often use essentialized language to describe differences between men and women chefs. These differences are ascribed to natural differences between the sexes. However, women in this study seem to be rewriting what it means to be a chef by highlighting how women are more suited to be chefs than men. Respondents asserted that women chefs were superior to men chefs because of their "feminine strength." They said that women had better cooking and management skills than men, and that women were able to change the unprofessional, masculine kitchen culture. Throughout history, arguments about natural differences between men and women (or any other group) have been problematic because they usually result in inequality (Epstein, 2007); however, our data suggest that women in some male-dominated work contexts redefine femininity as an asset that can improve some aspects of masculine work settings.

Instead of acting "like a man" and hiding all forms of gender differences, many women in our study discuss how they cultivate feminine traits while working in male-dominated professional kitchens. What is significant about this is how they reframe them as a source of strength rather than a weakness. The participants acknowledge many stereotypes about women in their profession, such as the fact that they are not "tough" or "strong" leaders. They use this essentialized rhetoric to challenge professional and cultural conventions over what it means to be a "good chef." Women chefs we interviewed reframe this dichotomy such as when they note that characteristics of men chefs that represent "strong leaders" can be confrontational and "bullying" behavior that can negatively impact work environments. In contrast, women chefs claim that they can actually make the best kitchen leaders through their focus on consensus building and "nurturing" of staff.

Reframing feminine characteristics as strengths instead of weaknesses appears to serve as a way of resisting gender stereotypes for women chefs. While our data do not allow us to determine if such discourse is filtering throughout the culinary industry and providing new opportunities for women chefs, it does suggest new ways to think about the incorporation of women into nontraditional careers. The focus on previous models that require women to adopt masculine characteristics and work behaviors needs to expand to allow for more flexibility, and at times, more contradictions,

regarding how women do gender at work. Doing so may allow scholars a more comprehensive look at complex processes that may support or reduce gender segregation in the workforce.

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WOMEN IN POWER AND GENDER WAGE INEQUALITY: THE CASE OF SMALL BUSINESSES

Andrew M. Penner and Harold J. Toro-Tulla

ABSTRACT

Gender inequality in the workplace is often attributed to the preponderance of men in positions of power. However, there is little empirical work investigating whether gender inequality is mitigated by having women in positions of power, and the work that does so is unable to match individual workers to those in positions of power over them. This study uses a survey of 2,000 small businesses to examine how gender differences in wages vary among establishments with male and female owners. We find no systematic differences between the levels of gender wage inequality in female owned small business and male owned small businesses.

Men's overrepresentation in positions of power is often cited as a potential explanation for gender inequality in the labor market (Ely, 1995; Reskin, 1988). The underlying logic of this argument implies that having women in positions of power should mitigate gender inequality, presumably through debunking gender stereotypes, creating networks for women, or simply by abolishing a mechanism perpetuating men's advantage. While a substantial body of work has examined how men and women in positions of power

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impact occupational segregation (Kanter, 1977; Williams, 1995), research has only recently begun to examine the implications of having women in power on gender wage inequality among their subordinates (Cohen & Huffman, 2007; Hultin & Szulkin, 1999).

As existing research on the effects of having women in positions of power on subordinates' wages is largely unable to match employees to the men and women in positions of power over them, this study makes an important contribution by analyzing data matching small business owners to their employees. Specifically, we examine whether the presence of women in small business ownership positions mitigates gender wage inequality among their employees. This question is important not only because little is known about the impact of small business owners on gender inequality, but also because it provides insight into broader questions around how having women in positions of power affects gender wage inequality.

The presence of women in positions of power could impact the gender wage gap in three ways. First, as much of the gender gap in wages stems from occupational sorting (Petersen & Morgan, 1995), the simple existence of more women in managerial and supervisory occupations should mitigate the gender wage gap. That is, to the degree that managers, supervisors, and owners earn more than those working under them, we would expect to find that having more women in higher level jobs would reduce gender wage inequality in the labor market. However, the assumption that the mere presence of women within these jobs will decrease gender wage differences is rendered slightly problematic by research showing that there is a high degree of gender segregation among managerial jobs. Jacobs (1992), for example, shows that while the increase of managers over time has been accompanied by a decrease in the wage gap among managers, female managers still earn less and have less authority than their male counterparts. Further, a voluminous literature on the glass ceiling documents that while women might be managers, they are underrepresented in the top level management positions (Morrison & Von Glinow, 1990; Wright, Baxter, & Birkelund, 1995). Finally, even among top level executives, women earn considerably less than men (Bertrand & Hallock, 2001). However, in spite of these caveats, given that managerial jobs on average do have higher pay than nonmanagerial jobs, we would still expect the movement of women into these occupations to reduce the overall gender wage gap.

Second, the presence of women in positions of power might impact the gender wage gap if women in positions of power served as mentors to other women. This could mitigate gender differences through increasing the numbers of women who are in positions of power, and if gender inequality

was lessened under women, the existence of women mentors might be expected to have an exponential effect over time. Kalev, Dobbin, and Kelly (2006) suggest that mentoring programs increase the representation of black women in management, and that other networking programs increase the representation of white women in management. However, the results from research examining wage inequality are considerably more convoluted. For example, while Kirchmeyer (1998) finds that among a sample of MBAs mentoring positively affects men's earnings but not women's, Laband and Lentz (1995) find that for lawyers protégé status is more beneficial for women than for men, and Johnson and Scandura (1994) find that mentoring has little effect on the wages of either male or female CPAs. Ragins and Cotton (1999) find that among engineers, journalists, and social workers, the effects of mentoring vary according to the gender of the protégé and the mentor, such that men with a history of male mentors have the highest earnings and women with a history of male mentors have the highest promotion rates, but the implications of these findings for gender inequality writ large are unclear. Thus, although there is great interest in the effects of being mentored on career trajectories, most of the research on mentoring focuses on specific occupations and thus provides little consensus on the general effect of the benefits to women of having women mentors.

The third way that having women in positions of power could lessen the gender wage gap is if women were more egalitarian and created greater gender equality among workers under them (Cotter, DeFiore, Hermsen, Kowalewski, & Vanneman, 1997). Studies using ecological data provide some evidence that female managers lower the gender wage gap for the men and women working under them. Cohen and Huffman (2007), for example, use data from the US census on local labor markets to show that labor markets with a higher percentage of women in upper level managerial positions have lower levels of gender inequality among nonmanagers. Likewise, Hultin and Szulkin (1999, 2003) use matched employer–employee data from Sweden to show that gender wage gaps are wider in firms that have more men in management positions.

In thinking about how women in positions of power might reduce gender inequality for those working for them, Cohen and Huffman (2007) argue that it is important to consider two factors: motivation and power. Cohen and Huffman suggest that female managers could be motivated to act favorably toward female employees due to gender identification and homophily, and that female managers might have less motivation to discriminate against women. They note that it is unclear whether women have the power necessary to influence gender inequality among the employees

working under them, particularly given that women are often found in lower levels of management. It is also possible that managers in general are simply "cogs in the machine" (Cohen & Huffman, 2007, p. 684), so that both men and women in management would lack power regardless of how high up in the managerial chain they were. In contrast, Hultin and Szulkin (1999) assume that having women in management positions will help women in the firm by providing nonmanagerial women with greater access to institutional power. They argue that "female subordinates should be advantaged when other women are an integral part of the organization's power structure, simply because interaction within organizations is facilitated by gender similarity between actors" (pp. 459–460). According to this line of thinking, having more women in positions of power will automatically help nonmanagerial women because gender-based homophily will provide nonmanagerial women with stronger relationships to powerful actors than they would have if the managers were men. While neither Cohen and Huffman nor Hultin and Szulkin link individual employees to their specific mangers, both provide compelling evidence that having women in managerial positions mitigates gender wage inequality for the employees working under them.

However, studies linking individual workers to those in power over them provide mixed findings. Rivera (2010) examines how homophily plays out in the hiring process, showing that women are actually less likely to be hired when they are interviewed by women. Likewise, Ferber and Green (1991) find that working under a female supervisor lowers women's wages more than men's, suggesting that this is because women's work is devalued more when it is done for a female supervisor. Rothstein (1997) uses longitudinal data from the National Longitudinal Survey of Youth to examine the effect of supervisor's gender on both wages and wage growth. She finds that working for a female supervisor is related to lower current earnings and higher wage growth for both male and female employees, and that the effect of having a female supervisor on current and future wages is larger for men. Thus, while there are compelling reasons to expect that having women in positions of power will ultimately reduce the level of gender inequality among those working beneath them, it is ultimately unclear whether this is in fact the case.

GENDER INEQUALITY AND SMALL BUSINESSES

While much of the research that looks at how gender inequality is affected by having men and women in positions of power examines the role of

managers in large businesses, small businesses provide an interesting context to explore this issue for two reasons. The first reason is that owners have more power to benefit their employees than managers do; where managers in larger organizations could be constrained by their superiors, owners of small businesses do not face this constraint. Small business owners have greater freedom than managers not only to enforce policies, but also to set them. They are also likely to be more involved in all aspects of running the company, from hiring and promotions to wage setting and firing.

The second reason that this context is interesting is that we are looking at small establishments. As such they are less likely to have trained human resource personnel, auditors, and in general are likely less well-informed and less concerned about employment regulations, so that we would expect homophilous tendencies to be more readily apparent. Their size also suggests that owners are likely to know many of the employees personally, and so be less likely to engage in statistical discrimination, where they attribute group characteristics to individuals. That is, to the degree that owners have more information about their employees, they are more likely to view the employees as individuals (Kunda & Thagard, 1996), so that stereotypes about men and women workers should be less powerful in this context. Carrington and Troske (1995) note that small businesses are also less restricted by federal regulations on sex discrimination, so that any effects of having a woman in power should be more salient in this context than in those more concerned with governmental regulations.

Although small businesses are often overlooked in traditional labor market analyses, according to a recent publication of the United States Small Business Administration (2006), firms with 20 or fewer employees constitute the vast majority of firms in the United States (97.5 percent in 2005). These firms generate the majority of net new jobs and account for half of the nation's nonfarm real gross domestic product (United States Small Business Administration, 2006). In addition, Blackford (1991) shows that while the role of small business in the economy has decreased when measured by receipts, the percentage of people employed by small businesses has largely remained constant.

Given that many groups that have experienced labor market discrimination pursue small business entrepreneurship as a way to obtain economic success, research on inequality in the small business sector typically examines inequality in terms of the success of small business owners (Bird & Sapp, 2004; Loscocco, Robinson, Hall, & Allen, 1991; Kalleberg & Leicht, 1991). This research has documented many forms of gender differences among small business owners: (1) female small business owners remain in

highly specific economic sectors (e.g., personal services and retail); (2) accessing capital has remained comparatively more difficult for small businesses than for large companies, and this is particularly true for female small business owners (Cavalluzzo & Cavalluzzo, 1998); and (3) as social networks are valuable for accessing information in a small business context (Davis, Renzulli, & Aldrich, 2006), gender differences in the composition of networks play an important role in predicting the success of the venture (Renzulli, Aldrich, & Moody, 2000).

Because research on inequality in the small business setting focuses on owners, little is known about inequality among employees of small businesses (but see Carrington & Troske, 1995). Our study seeks to provide insight into gender differences in small businesses, and in particular to examine whether differences are impacted by the gender of the business owner. This allows us not only to address how gender inequality plays out in this context, but also to gain a better understanding of how gender differences are affected by having women in positions of power more broadly.

DATA AND METHOD

Data for this chapter are from Wave 2 of the Small Business Benefits Study (SBBS), which was collected between October 1992 and February 1993 by the University of Michigan Survey Research Center (McLaughlin, 1993). The SBBS surveyed businesses with between 2 and 25 employees working 17 hours or more the previous week, and collected information on up to 2 owners and 8 employees per business. Businesses from seven cities were selected using a stratified random sample, and 81 percent of the businesses contacted responded.[1] Interviews were conducted over the phone, generally with the owner or office manager, and typically lasted under 30 minutes. The survey was primarily designed to assess issues surrounding health insurance coverage in small businesses (McLaughlin, Zellers, & Frick, 1994), but it also collected information on employee wages, hours worked, tenure with the company, age, and gender. The SBBS contains information from 7,174 individuals and 2,099 businesses; in this study we examine the 6,030 employees (in 1,924 businesses) working 30 hours or more per week.

While the dependent variable is simply the log of the hourly wage, the independent variables are worth discussing further. The effects of age, gender, temporary worker status, tenure, business type, and business gross receipts are modeled using a series of dummy variables.[2] In addition, we also include fixed effects for the industry of the small business, so that all

comparisons are being made within the same industry.[3] Controls for the number of hours worked in the past week, the number of employees (nonowners) working more than 17 hours in the past week, the age of the business (years), and the length of the current owners' tenure (years) are logged so that their effects can be interpreted as elasticities. We also control for the proportion of female employees in the establishment. Finally, owner gender is operationalized as two mutually exclusive dummy variables – one for whether the business had only female owners, which we refer to as "only female owners," and a second for whether a female owner was present (but where male owners might also be present), which we refer to as "any female owners."[4] Descriptive statistics on these variables are presented in Table 1.

We see that nearly half (44.5 percent) of the employees in the sample are female, with 18.6 percent of employees working in establishments with at least one (but not all) female owners, and 8.5 percent working in establishments with only female owners. The modal employee is between 25 and 40 years old and has been working for the same business for at least three years. On average, employees work in small businesses with just over seven employees and owners who have 14 years of tenure. Businesses are from a wide range of industries, with no single industry accounting for more than 20 percent of the sample.

These data are well suited for this analysis, as they allow us to examine gender differences in companies where we can link individual employees with the people making decisions about their wages. Previous studies using matched employee–employer data do not match employees to specific supervisors, but rather look at the percentage of female mangers in the firm (Hultin & Szulkin, 1999). While this provides strong ecological evidence, it is plausible that this is a spurious relationship; for example, the percentage of female managers and the gender gap among nonmanagerial workers could both be driven by the firm's egalitarian ideals. Further, as our data contain both information on the employer and the employees, we are able to compare men and women who are working for the same employer, something that is not possible using standard survey data that asks respondents questions about their managers (Rothstein, 1997).

The greatest shortcoming of these data is that they do not contain any information on the educational backgrounds of the employees. While this is unfortunate, there are several reasons to believe that this is not as problematic as it might be. First, while education matters in the labor market as a whole, there is no compelling reason to think that male small business owners value and reward education more or less than female small business owners. Second, as small businesses have less bureaucracy than

Table 1. Descriptive Statistics.

Percent of employees female	44.5
Average hourly wage	9.9
Average hours worked	40.4
Percent of employees on temporary status	4.4
Percent of employees working at establishment	
<5 months	11.9
6–11 months	9.7
1–3 years	34.7
>3 years	43.7
Percent of employee ages	
<25	13.8
25–39	51.2
40–59	31.0
>59	4.1
Percent of employees with any female owner(s)	18.6
Percent of employees with only female owner(s)	8.5
Average owner tenure (years)	14.0
Average establishment size (number of employees)	7.4
Average establishment age (years)	19.6
Percent with legal form	
Sole proprietorship	20.8
Partnership	6.3
For profit	67.4
Not for profit	5.6
Percent with gross sales	
<$50,000	3.0
$50,000–$99,999	5.2
$100,000–$200,000	15.1
$200,001–$500,000	35.9
$500,001–$1,000,000	20.9
>$1,000,000	20.0
Percent located in	
Tucson	16.2
Tampa	15.6
Flint	8.2
Denver	18.1
Cleveland	13.1
Pittsburgh	14.0
Portland	14.8
Industry	
Construction	6.0
Retail trade	15.9

Table 1. (*Continued*)

Wholesale trade	10.1
Finance, insurance, and real estate	10.9
Business services	10.8
Medical, dental, and health services	5.5
Other (nonhealth) professional services	13.0
Other industries (each $<5\%$ of sample)	27.8

Note: The unit of analysis is the employee, so that the establishment characteristics provide information about the number of business working in that kind of business. Restricted to employees working 30 hours or more.

large companies, the signaling effect of education should matter less. That is, in large companies, education often serves as a proxy for characteristics such as productivity or diligence that are difficult or costly to measure, but given the smaller scale of these businesses, it should be less necessary to rely on a proxy because these characteristics can be directly observed. This is congruent with Evans and Leighton's (1989) finding that small businesses not only have lower returns to education, but they also have higher returns to experience than large businesses.[5] Finally, to check whether the exclusion of education was likely to affect our results, we conducted supplementary analyses using data from the Current Population Study (March, 1992). As we found that controlling for educational achievement did not change the gender gap in businesses with 25 or fewer employees, we conclude that it seems unlikely that this omission seriously biases our results.

Models in this study are estimated using ordinary least squares regression, with Huber-White standard errors to account for clustering within businesses. Given that the data on individuals is nested within businesses, which are in turn nested within industries, we include fixed effects for industries in all of our models. This means that all of our estimates are comparing men and women working within the same industry. Further, given that Carrington and Troske (1995) show that there is a high degree of segregation at the establishment level, and that this segregation contributes to gender wage differences in small businesses, we also estimate models with establishment fixed effects. As establishment fixed effects compare the wages of men and women who work in the same establishment to estimate the gender wage gap, they control for the establishments' profitability, location, competitive pressures, and all other characteristics that do not vary within a particular establishment. Because establishment fixed effects models cannot estimate the coefficients for establishment invariant characteristics (such as the presence of a female owner), in these models, we interact

employee gender with owner gender to estimate how the effect of being female under a female owner differs from the effect of being female under a male owner.

RESULTS

We begin by examining basic descriptive statistics on hourly wages; Table 2 reports means and standard deviations of hourly wages based on employee and owner gender. To simplify the presentation of results, we compare only employees working in small businesses with no female owners to employees in business where there are some or all female owners, and do not distinguish between the businesses in which there are only some as opposed to all female owners. Two points are worth highlighting. First, not only do male employees typically earn more than female employees ($p < 0.05$), but male owners also pay more on average than female owners ($p < 0.001$). Not surprisingly then, male employees working for male employers earn the highest wages, while female employees working for female employers earn the lowest wages. Second, in looking at the gender differences among employees by owner gender, we find that the gap between what men and women employees earn under men owners ($10.78 − $9.05 = $1.73) is not statistically significantly different than the gap between men and women employees under women owners ($9.95 − $8.09 = $1.86), with a p-value of over 0.6. Given that the average hourly wage across the US workforce in 1993 was roughly $11, these results echo previous work on pay differences

Table 2. Hourly Wages by Employer and Employee Gender.

Employee		Employer		
		Male	Female	Overall
Male	Mean	10.78	9.95	10.54
	SD	5.64	4.70	5.39
	N	2,129	875	3,004
Female	Mean	9.05	8.09	8.73
	SD	3.64	3.30	3.56
	N	1,556	779	2,335
Overall	Mean	10.05	9.07	9.75
	SD	4.97	4.21	4.76
	N	3,685	1,654	5,339

by firm size (Evans & Leighton, 1989) and highlight the importance of both employee and owner gender in this context.

As the results in Table 2 do not account for any control variables, Table 3 builds on the findings of Table 2 by estimating models of logged hourly wage net of employee tenure, employee age, hours worked, temporary status, proportion of establishment female, type of organization, sales, organization size, employer tenure, and industry. Looking at the coefficient for being a female employee in Model 1 reveals that, controlling for these factors, women earn 21 percent (exp(−0.24)−1) less than men.[6] Model 2 includes all of the same controls as Model 1 and also examines the effect of female owners on wages. In contrast to Table 2, we see that there is no statistically significant penalty for working for a female employer once we have introduced our control variables. In Model 3, we interact employee and employer gender, which allows us to observe how different owners pay different employees net of the controls in the model. Results for the main effects of employee and employer gender are largely similar to Model 2, though note that the coefficient for working under any (but not all) female owners is now statistically significant. Most importantly for our analyses, we see that the interactions of owner and employee gender are not statistically significant, indicating that the level of gender inequality among the employees of women owners is not statistically different from the level of inequality in businesses owned by men. Finally, in Model 4, we introduce establishment fixed effects, so that we are comparing only men and women who are working in the same establishments. This allows us to account for any differences in the types of establishments that men and women work for. While fixed effects regressions models are not able to examine factors (such as owner gender) that do not vary within the establishment, by interacting employee gender with our owner gender variables, we are able to estimate the differential effect of being female in a business with any (or only) female owners. We see that women working for men earn 22 percent (exp(−0.25)−1) less than their male counterparts, and that the interaction between employee and employer gender is not statistically significant, suggesting that employees working in male- and female-owned small businesses experience similar levels of gender inequality.[7]

As the results from Table 3 suggest that gender inequality does not differ appreciably among businesses that have women in ownership positions, Table 4 examines whether this is always so. For example, we might expect to observe greater gender equality under women owners when they are the sole owners of the business, or in contexts where there are stronger relationships between owners and employees. Model 1 in Table 4 presents results from the

Table 3. Models Estimating Logged Hourly Wage for Employees Working 30 or More Hours per Week.

Models	1	2	3	4
Female employee	−0.238***	−0.239***	−0.247***	−0.247***
	(0.020)	(0.020)	(0.022)	(0.026)
Any female owner(s)		−0.042	−0.061*	
		(0.023)	(0.029)	
Only female owner(s)		−0.010	−0.010	
		(0.031)	(0.051)	
Female employee × any female owner(s)			0.049	0.110
			(0.036)	(0.061)
Female employee × only female owner(s)			0.006	0.065
			(0.055)	(0.087)
Employee tenure (<5 months baseline)				
6–11 months	−0.030	−0.030	−0.029	−0.023
	(0.029)	(0.029)	(0.029)	(0.032)
1–3 years	0.079***	0.078***	0.079***	0.080**
	(0.023)	(0.023)	(0.023)	(0.027)
>3 years	0.217***	0.216***	0.216***	0.217***
	(0.025)	(0.025)	(0.025)	(0.029)
Employee age (<25 baseline)				
25–39	0.202***	0.202***	0.202***	0.181***
	(0.019)	(0.019)	(0.019)	(0.022)
40–59	0.297***	0.298***	0.298***	0.259***
	(0.021)	(0.021)	(0.021)	(0.024)
>59	0.104	0.103	0.104	0.175**
	(0.055)	(0.054)	(0.054)	(0.059)
Logged hours worked	0.047	0.042	0.038	0.140*
	(0.047)	(0.048)	(0.048)	(0.070)
Temporary status	−0.118*	−0.121*	−0.122*	−0.069
	(0.051)	(0.051)	(0.052)	(0.054)
Establishment proportion female	0.073*	0.077*	0.074	
	(0.036)	(0.038)	(0.038)	
Legal form (for profit baseline)				
Sole proprietorship	−0.127***	−0.129***	−0.130***	
	(0.026)	(0.025)	(0.025)	
Partnership	−0.188***	−0.188***	−0.189***	
	(0.035)	(0.035)	(0.035)	
Not for profit	−0.007	−0.014	−0.011	
	(0.042)	(0.042)	(0.042)	
Gross sales (<$50,000 baseline)				
$50,000–$99,999	−0.106	−0.100	−0.101	
	(0.062)	(0.062)	(0.062)	

Table 3. (*Continued*)

Models	1	2	3	4
$100,000–$200,000	−0.036	−0.033	−0.033	
	(0.056)	(0.056)	(0.056)	
$200,001–$500,000	0.020	0.025	0.024	
	(0.053)	(0.053)	(0.053)	
$500,001–$1,000,000	0.081	0.087	0.088	
	(0.055)	(0.054)	(0.054)	
>$1,000,000	0.225***	0.228***	0.228***	
	(0.056)	(0.056)	(0.056)	
Logged firm size	−0.019	−0.018	−0.018	
	(0.013)	(0.013)	(0.013)	
Logged company age	−0.032***	−0.032**	−0.032**	
	(0.010)	(0.010)	(0.010)	
Industry fixed effects	X	X	X	X
Establishment fixed effects				X
R^2	0.344	0.345	0.345	0.526
N	5,229	5,229	5,229	6,030

*$p<0.05$, **$p<0.01$,***$p<0.001$, two-tailed test.
X indicates that fixed effects are included in the model.

baseline model, and is identical to Model 3 in Table 3. Model 2 in Table 4 restricts the analysis to employees who work in establishments with only one owner, so that we are comparing only men and women who have sole discretion in decision making. This removes any ambiguity surrounding issues of power and responsibility; owners in these businesses are not beholden to other owners and cannot attribute the inequality in their business to another owner. This restriction is important because of the significant role that power (Cohen & Huffman, 2007) and responsibility (Kalev et al., 2006) have in increasing gender equality. As in Table 3, we find that the interactions between owner and employee gender are not statistically significant, indicating that employees working in businesses with a women sole owner appear to experience similar levels of inequality as employees in businesses owned by one man.

Models 3 and 4 are concerned with the strength of the relationship between owners and employees. Model 3 restricts the analysis to owners who are involved in the business, on the assumption that these owners will have more interactions with the employees; Model 4 examines only cases where both the employee and owner have been at the establishment for more than three years. Restricting the analysis to establishments where owners

Table 4. Models Estimating Logged Hourly Wage for Employees Working 30 or More Hours per Week, with Various Other Sample Restrictions.

Models	Baseline	Sole Owners	Involved Owners	Long-Standing Relationship	High Sales Businesses
	1	2	3	4	5
Female employee	−0.247***	−0.251***	−0.251***	−0.307***	−0.277***
	(0.022)	(0.031)	(0.022)	(0.034)	(0.031)
Any female owner(s)	−0.061*		−0.069*	−0.115*	−0.091*
	(0.029)		(0.030)	(0.047)	(0.041)
Only female owner(s)	−0.010	−0.023	0.000	−0.052	−0.074
	(0.051)	(0.060)	(0.056)	(0.076)	(0.083)
Female employee × any female owner(s)	0.049		0.054	0.074	0.088
	(0.036)		(0.038)	(0.057)	(0.051)
Female employee × only female owner(s)	0.006	−0.017	0.016	0.025	0.044
	(0.055)	(0.062)	(0.061)	(0.086)	(0.095)
Employee tenure (<5 months baseline)					
6–11 months	−0.029	−0.000	−0.032		−0.050
	(0.029)	(0.044)	(0.030)		(0.039)
1–3 years	0.079***	0.103***	0.074**		0.068*
	(0.023)	(0.029)	(0.024)		(0.034)
>3 years	0.216***	0.236***	0.213***		0.204***
	(0.025)	(0.032)	(0.026)		(0.035)
Employee age (<25 baseline)					
25–39	0.202***	0.170***	0.206***	0.244***	0.245***
	(0.019)	(0.026)	(0.020)	(0.041)	(0.027)
40–59	0.298***	0.286***	0.298***	0.328***	0.350***
	(0.021)	(0.031)	(0.022)	(0.046)	(0.030)
>59	0.104	0.141*	0.080	0.096	0.219**
	(0.054)	(0.071)	(0.056)	(0.086)	(0.068)
Logged hours worked	0.038	0.011	0.049	−0.037	0.088
	(0.048)	(0.071)	(0.049)	(0.076)	(0.070)
Temporary status	−0.122*	−0.112*	−0.106	−0.154	−0.194*
	(0.052)	(0.052)	(0.055)	(0.091)	(0.086)
Establishment proportion female	0.074	0.140**	0.081*	0.103	0.157**
	(0.038)	(0.052)	(0.039)	(0.063)	(0.059)
Legal form (for profit baseline)					
Sole proprietorship	−0.130***	−0.127***	−0.126***	−0.147***	−0.205***
	(0.025)	(0.026)	(0.026)	(0.036)	(0.050)
Partnership	−0.189***	−0.372***	−0.191***	−0.250***	−0.222***
	(0.035)	(0.066)	(0.038)	(0.060)	(0.064)
Not for profit	−0.011	0.294***	−0.009	0.044	−0.061
	(0.042)	(0.078)	(0.043)	(0.055)	(0.059)

Table 4. (*Continued*)

Models	Baseline	Sole Owners	Involved Owners	Long-Standing Relationship	High Sales Businesses
	1	2	3	4	5
Gross sales (<$50,000 baseline)					
$50,000–$99,999	−0.101	0.059	−0.128*	−0.213*	
	(0.062)	(0.083)	(0.062)	(0.086)	
$100,000–$200,000	−0.033	0.155*	−0.046	−0.069	
	(0.056)	(0.067)	(0.055)	(0.069)	
$200,001–$500,000	0.024	0.225***	0.003	0.011	
	(0.053)	(0.066)	(0.051)	(0.064)	
$500,001–$1,000,000	0.088	0.297***	0.077	0.067	
	(0.054)	(0.068)	(0.052)	(0.067)	
>$1,000,000	0.228***	0.362***	0.216***	0.207**	0.126***
	(0.056)	(0.072)	(0.054)	(0.067)	(0.027)
Logged firm size	−0.018	0.019	−0.022	−0.004	−0.004
	(0.013)	(0.016)	(0.013)	(0.019)	(0.019)
Logged company age	−0.032**	−0.040**	−0.030**	−0.059***	−0.036*
	(0.010)	(0.013)	(0.010)	(0.017)	(0.014)
Industry fixed effects	X	X	X	X	X
R^2	0.345	0.368	0.350	0.308	0.335
N	5,229	2,554	4,902	2,167	2,312

*$p<0.05$, **$p<0.01$, ***$p<0.001$, two-tailed test.
X indicates that fixed effects are included in the model.

work 30 or more hours per week (Model 3) results in the exclusion of only 98 employees in 48 businesses, so that the results do not vary significantly from those in the baseline model. By contrast, the restrictions imposed in Model 4 result in the exclusion of over half of the cases used in the baseline model. However, even here, we find that the interaction effects between owner and employee gender remain statistically insignificant.

Finally, in Model 5, we restrict the analyses to include only businesses that have gross sales of more than $500,000. This allows us to examine whether women owners of businesses that have higher sales pay their women employees more. While we would prefer a measure of profitability, this restriction allows us to address some concerns around the financial constraints that owners face. That is, it could be that women owners would like to pay their women employees more but simply cannot afford to do so. To the degree that businesses with larger gross sales have more financial leeway, we might expect that they would be better positioned to do so.[8] As

with the previous models, we again find no statistically significant difference in the level of gender inequality in male- and female-owned small businesses.

In sum, we find no statistically significant differences in the levels of gender wage inequality that exists under male and female small business owners. Further, when we observe only sole owners, restrict the sample to those with the potential for stronger relationships, or examine businesses with high sales, we still find that gender wage inequality in women-owned small businesses is statistically indistinguishable from the levels of inequality in small businesses owned by men.

DISCUSSION

Gender inequality in the workplace is sometimes viewed as a gender war, with old boys' networks struggling to retain male dominance while women seek to break in (Cockburn, 1991; McCarthy, 2004). Under this paradigm, women in positions of power are expected to act sympathetically toward the women working under them. While our study does not look at corporate elites, but rather small business owners, the existence of this kind of gender solidarity or homophily is not supported by our findings. However, it is also not the case that female owners discriminate against their female employees any more than male owners. If anything the lack of difference found suggests that as small business owners, men and women have similar tolerances of (or tastes for) gender differences in pay. Put simply, women small business owners underpay women employees as much as men owners.

Thus, in contrast to arguments for homophily, our results suggest that both men and women owners are complicit in the creation of gender wage inequality. This finding is consistent with social psychological research suggesting that gender is a status characteristic (Correll, Benard, & Paik, 2007; Roth, 2004). Status characteristics theory suggests that the contributions of people in lower status groups are systematically devalued by both low- and high-status group members. Thinking about gender wage differences from this perspective suggests that establishing a cadre of women in positions of power is unlikely to automatically lessen gender wage inequality for those working under them, and that interventions challenging people's beliefs about how women are viewed by others are needed in order to undermine the status hierarchy (Ridgeway & Correll, 2006).

It is worth discussing the findings of this study vis-a-vis other studies examining the effects of having female managers, supervisors, and mentors on wages. While there are obviously differences between small business

owners and managers in larger firms, in thinking about issues of homophily and gender solidarity more broadly, it is useful to draw on research from these different contexts. The primary strength of this study is that it examines these issues using data that match individual employers with individual employees. This is important as it allows us to identify more precisely the employees who have women in positions of authority over them. Even previous analyses that use detailed matched employer–employee datasets (Hultin & Szulkin, 1999, 2003) only examine the effect of being in a firm with a high proportion of women in management; they do not examine how gender differences vary under managers of different genders. In addition, although there are smaller scale surveys and case studies examining the effects of mentors and supervisors on business school graduates or lawyers, their findings vary and it is not obvious how widely applicable they are. While this study faces similar challenges as it looks only at small business owners, it does provide information on nearly 2,000 businesses from seven cities across the United States. Thus, while it is not clear that these findings are applicable to managers in large firms, they provide evidence about the role of homophily and gender solidarity in an important setting, and speak to some of the underlying processes posited by studies of larger firms.[9]

How should we understand our findings in light of previous research that suggests that managers play a role in mitigating gender wage inequality? In the case of firm level ecological studies (Hultin & Szulkin, 1999, 2003), it seems plausible that the homophilous effects observed are tapping into aspects of institutional culture. That is, firms with a higher percentage of female managers are likely more gender-egalitarian firms overall, and this egalitarianism may result in both the high level of women in management and the low levels of gender wage inequality observed. It is also possible that women as managers act differently than women as owners – perhaps women owners are less likely to act on homophilous tendencies because they are more concerned about their personal income.

Cohen and Huffman's (2007) findings are more difficult to reconcile with our findings, in that they show that only the proportion of high-level female managers affects gender inequality. The difference between high- and low-status managers seems to suggest that lower level managers lack the power necessary to make a difference. Cohen and Huffman's finding makes sense given work by Wolf and Fligstein (1979) showing that supervisory authority is more egalitarian than authority over hiring, firing, and pay, and Kanter's (1977) suggestion that male gatekeepers occupy key positions that have important consequences for gender differences. However, our analyses show

that even among female small business owners who are the only owner, gender differences in wages are nearly identical to those found under male small business owners. This suggests that the power to make wage-setting decisions is unlikely to be the key distinction between female managers in upper and lower levels of management. One possibility is that the importance of women in higher level management positions is related to the power to affect change at the level of organizational culture (Baron, Mittman, & Newman, 1991). Again though, our findings from small businesses would seem to provide a cautionary note, as small business owners would appear to have as much if not more power as upper level management in issues of workplace culture.

In light of these differences, we see our findings extending the existing literature on the effects of women in power on gender wage inequality in two ways. First, we qualify previous work examining women managers that finds that women in power mitigate gender inequality among their subordinates by showing that this is not the case in all contexts. Second, our results highlight the need to reexamine the processes thought to undergird the effects found by studies of women managers. For example, given that small business owners would appear to have at least as much power as managers in large firms when it comes to making decisions about their employees' pay, it is not clear that power alone can account for why we observe the ameliorative effect of some women in management but not others.

Given the differences between our findings and findings on managers in larger businesses, future research should examine how it is that wage-setting decisions are made in these two contexts to better understand when and where we should expect women in positions of power to affect the gender differences in pay. Although previous work has shown that a great deal of gender inequality can be attributed to employer's expectations about what a successful job applicant will earn (Penner, 2008), there is little work exploring how different businesses form these expectations. While it is often assumed that the feminization of an occupation drives down wages, England, Allison, and Wu (2007) find that feminization in and of itself does not account for pay differences between occupations. We believe that qualitative work would be especially useful in providing a richer account of how different businesses develop their expectations about the pay of prospective hires, and how the macro-level arguments about discrimination intersect with the wage-setting decisions being made by individuals in different businesses. Salzinger (2003), for example, shows how gendered assumptions about workers permeate institutions and shape decisions ranging from hiring to how to construct the product; analogous work

examining value judgments about performance and pay could illuminate more precisely the mechanisms that account for our findings.

By way of conclusion, we find no statistically significant differences in gender wage inequality under women and men small business owners. Thus, while previous work on gender wage inequality under managers of different genders has found evidence for homophily, our study does not. Rather, we find that having women in ownership positions does not seem to make a significant difference in the gender differences in wages of employees. This finding is robust across a variety of sample restrictions related to the decision-making power and responsibility of the owner, the strength of the ties between owners and employees, and the gross sales of the business. This finding is also robust to the inclusion of a host of employee and establishment-level covariates, including establishment-level fixed effects. Our findings indicate that, holding all establishment-specific characteristics constant, gender differences in wages do not vary substantially between small businesses owned by women and men.

NOTES

1. The seven cities, Cleveland, Denver, Flint, Pittsburg, Portland, Tampa, and Tucson, were chosen as part of the evaluation of the Robert Wood Johnson Foundation's Health Care for the Uninsured Program. While they were not necessarily selected to be representative of the United States as a whole, they represent a range of cities and span a variety of geographic regions. Supplemental analyses examining the effect of women owners on the gender pay gap conducted separately by site found no meaningful differences between the seven cities.

2. Age is measured using four categories: 24 years and younger, 25 to 39 years, 40 to 59 years, and 60 years or older. Tenure is measured using four categories: 5 months or less, 6 to 11 months, 1 to 3 years, and more than 3 years. Legal form is measured using four categories: for-profit corporation, not-for-profit organization, sole proprietorship, and partnership. Gross receipts is measured using six categories: $<$\$50,000; \$50,000 to \$99,999; \$100,000 to \$200,000; \$200,001 to \$500,000; \$500,001 to \$1,000,000; or $>$\$1,000,000.

3. Industry codes categorize businesses into 28 groups according to their primary function. The codes used by the SBBS are largely similar to the US Census Standard Industrial Classification (SIC) codes.

4. We also experimented with two alternative codings, both of which provided the same substantive results. In the first, we collapsed the two owner gender variables discussed in the text into a single variable for whether we knew that there was at least one female owner present. While this is more parsimonious, it does not allow us to distinguish between businesses where we know that there are only female owners and businesses where there might be male owners as well. The second alternative we examined is less parsimonious and makes use of all of the information that we had on

owners. Given that the SBBS data contain information on the total number of owners, but only information on the sex of up to two owners, we created dummy variables for the following categories: (1) business has only one owner, owner is male (omitted category); (2) business has only one owner, owner is female; (3) business has only two owners, owners are both male; (4) business has only two owners, owners are both female; (5) business has only two owners, one owner is male and one owner is female; (6) business has more than two owners, the owners that we have information about are both male; (7) business has more than two owners, the owners that we have information about are both female; and (8) business has more than two owners, one owner that we have information about is male, the other is female. In the coding scheme used for the analyses reported, groups 2 and 4 are coded as having only female owners, while groups 5, 7, and 8 are coded as having any female owners (with groups 1, 3, and 6 as the reference group). The fact that information is collected on a maximum of two owners is potentially problematic (as it could introduce noise into our measure); however, 91 percent of the employees work in firms with two or fewer owners.

5. Evans and Leighton (1989) also find that large firms employ better educated workers, so that there is less variation in education among employees in small firms than in the labor market as a whole. This should also lead to a lessening of the importance of education in this context.

6. Coefficients are in log units and thus approximate percentage differences when they are close to zero. Actual percentage differences can be obtained by subtracting one from the exponentiated coefficient. In this case, $\exp(-0.24)-1 = -0.21$, so that women earn 21 percent less than men.

7. It is worth noting that the coefficient for the interaction of employee gender and having any women owners is approaching statistical significance ($p = 0.073$). However, as the coefficient for the interaction of employee gender and having only women owners is far from statistically significant ($p = 0.454$), the fixed effect model does not seem to support the homophily hypothesis. In fact, it is interesting that in all of the models estimated in Tables 3 and 4, the coefficient for the interaction of employee gender and having any women owners is larger than the coefficient for the interaction of employee gender and having only women owners.

8. While gross sales is obviously not the same as profit, and does not necessarily capture the financial leeway that the business has, it seems reasonable to assume that some amount of gross sales is needed in order to provide this leeway, and that all else equal, firms with higher gross sales will have more leeway in this regard. We are grateful to an anonymous reviewer for suggesting this restriction.

9. It is possible to think of the small business setting that this study examines as a relatively simplified setting. That is, where managers in a large firm would be subjected to a host of pressures from their managers, institutional policies, and norms, we would expect small business owners to be less constrained by these considerations.

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NAVIGATING THE BOUNDARIES: ARMY WOMEN IN TRAINING

Stacie R. Furia

ABSTRACT

This study examines the cultural tactics military women employ in US Army officer training in order to gain acceptance and integration into the institution, with a particular focus on their gender performances and gendered interactions. Based on a three-year, three-site ethnographic study of Army officer training, along with in-depth interviews with 17 female cadets, the study finds that women employ tactics from three main categories: emphasizing the feminine, embracing the masculine, and keeping a low profile. The study also provides evidence that Army women use tactics from multiple categories, and demonstrates how their tactics shift based on situation, context, and audience.

The Army has reconciled itself to the necessity of women in its all-volunteer force. However, it still has not figured out how to effectively integrate women into military service. The Army struggles with regulations concerning women, at different times adding or taking away their access to certain jobs and occupational specialties, and frequently changing the rules regarding everything from hairstyles and uniforms to training expectations and physical standards. These struggles reflect the conflicting ideals of women's femininity and the military's culture of masculinity.

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Women are acknowledged as necessary, yet their presence confuses the military's mission of uniformity and also challenges the maintenance of a hegemonically masculine institution. While this contradiction leaves women precariously placed within the institution, some military women find ways to overcome the limitations placed on them.

This chapter relies on "doing gender" theory, which understands gender as constituted by performances in interaction. I show that, to gain acceptance in the Army, individual women deploy a variety of gender tactics depending on their current situation and audience to get the most beneficial results. Each tactic has benefits and drawbacks, both to the women as individuals and to Army women as a group. Each is employed in an attempt by women to gain more complete acceptance within a traditionally masculine institution, which consequently has the potential to expand current definitions of femininity and women's roles. The women also utilize the tactics in order to navigate the potential role conflict that may arise because of the masculine expectations of soldiering and feminine expectations of other roles they occupy.

In addition to understanding gender as an individual and interactive performance (West & Zimmerman, 1987), I also utilize Gerson and Peiss's (1985) concept of gender as a "fluid [category] whose meaning emerges in specific social contexts as it is created and recreated through human actions" (p. 317). As their theory suggests, I go beyond examining status and power more generally, and examine "the dynamic, reciprocal, and interdependent interactions between and among women and men" (p. 317). The sexual division of labor, differential social and vocational expectations, and the culture of masculinity in the U.S. Army help define women and men as distinct social groups. Thus it is not only appropriate, but also important to examine "women's distinctive experiences as a social category" (p. 318) within the institution, as well as to observe the dynamics of gendered interactions. I examine these interactions as negotiations of gendered boundaries between multidimensional people with intersecting identities (Collins, 2000).

Additionally, I employ Acker's (1990, 1992a, 1992b) theory of gendered organizations that rejects an understanding of organizations as gender-neutral and instead recognizes the importance of organizational context and the centrality of gender to the social processes of work. Utilizing data from an ethnographic and interview study of women in Army officer training situations, this study explores how individual women in the Army employ various tactics related to gender performance in order to facilitate success in a masculine-gendered institution that in many ways attempts to maintain and reinforce the gender binary. In doing so they also defy or expand

normative U.S. definitions of femininity and women's roles. In their resistance, these women challenge some of the social and cultural traditions of the Army along with some wider ranging hegemonic gender ideologies.

METHODS

This study explains how individual women use a variety of gender tactics to accomplish their goals of acceptance and integration in the Army. The research for this study comes from three years of ethnographic research, during which time I explored gender in the U.S. military at three main research sites, all of which provide training to new Army officer recruits/candidates. The first site was a campus-based Reserve Officer Training Corps (ROTC) program at a university on the west coast of the United States where I observed openly as a researcher for three years from 2005 to 2008. The second site was a five-week basic level leadership training course for new Army officer recruits, known as Leadership Training Course (LTC), located in the southeastern part of the United States, which I attended during the summer of 2007 posing as a potential officer candidate solely for research purposes. While the people who allowed me to attend the training were aware I was going through solely for research purposes, part of the bargain that allowed me to attend included the stipulation that I was not allowed to reveal my status as a researcher to anyone at the field site until after the conclusion of the training (which I did). The final site was an intermediate level leadership evaluation site for ROTC cadets, known as Leadership Development and Assessment Course (LDAC), located in the Pacific Northwest, which I attended for a week in the summer of 2008 as part of an "educator's tour." An educator's tour is a week-long event sponsored by the Army for people in positions of influence at universities across the country (instructors, deans, professors, administrators, etc.) to be able to observe and experience part of what happens to students at their universities who are members of the ROTC.

At both the first and second research sites I was an active participant in all the activities associated with Army officer training, including but not limited to: physical training (PT), classroom-based lessons on topics such as map reading and squad tactics, field training exercises (FTX) such as day and night land navigation, and drill and ceremony instruction and practice. At the third site, since I was there as an educator, I was allowed to partake in some of the activities, but for the most part I observed cadets in their

training from an outside position; instructors and leaders gave us demonstrations of what occurs during the cadets' training.

During my observations with the ROTC program, I was able to record field notes openly since all the participants in the program knew I was doing research. I would often jot down notes during observations or after conversations. At the second and third sites, although I was doing my research covertly, I was still able to take notes on my observations overtly because note taking was strongly encouraged. My use of short hand and my generally illegible handwriting allowed me to take notes on all topics, instead of just those things about which I was supposed to be writing (such as whatever the lesson was for the day, or our daily operations orders), without fear of discovery.

In order to supplement my ethnographic research findings, I also conducted formal interviews with participants from my second research site, the Army's summer LTC. After returning home from the course, I sent out a letter to the other cadets explaining the reason for my participation at camp, and detailing the objectives of my research project. The majority of the cadets were very enthusiastic about my project, and many volunteered to do interviews before I even asked. I followed up my initial letter with a formal request to do phone interviews, which I conducted in the three months following our return from camp. In total I interviewed 17 women, including all 12 women from my platoon who completed training, 1 who started off in my platoon but who left training by the end of the first week, and 4 women from other platoons or companies who completed training at the same camp during the same summer.

Respondents included nine white women, five black women, one Pacific Islander, and two Latinas. The women came from 13 different states (most from the southeast or midwest, though with some representation from the northeast and west), and one was from another country. Their class backgrounds varied greatly. Two came from poor backgrounds; four came from working-class families, six self-identified as lower-range middle class, and the other five identified as mid- or upper-range middle class. The women's family situations also were diverse. Four of the women had at least one child, and two of them were married. The other 13 women were unmarried with no children, though most had a significant other. All the women identified as heterosexual.[1] The ages of the interviewees ranged the typical college age of 18–22 years, though there were two 23-years olds (one of whom was a graduate student and the other a nursing student) and one 31-year old, who incidentally was very uncomfortable sharing her age. The women's majors also spanned the board from social to physical

sciences, math to humanities and beyond. The majority attended larger public institutions, though three attended small military schools and one a prestigious private school. Like their majors, their interests in a particular military occupational specialty (MOS) varied greatly. Two women wanted to be Military Police (MPs), four were interested in Military Intelligence, two wanted to fly, the nursing student intended to become a nurse, and one was determined to join the infantry (a position closed to women at the time); the others were still undecided. Overall the group was very diverse in both demographic characteristics and military and civilian interests.

Many of the men from my platoon contacted me to express an interest in being interviewed, but I decided to focus my attention on the women and their experiences. I did offer the men who were interested in contributing the opportunity to send me their experiences in writing, which eight of them did. These accounts focused more generally on the experience of LTC, and how much fun or how trying the men found certain experiences. Many of the letters highlighted a particular event that was especially exciting or influential to the man's experience. I draw on these written accounts to support some of my observations.

FINDINGS

My observations revealed that female cadets employed multiple and sometimes contradictory tactics in their navigation of the gender-specific policies instituted by the Army as well as the existing stereotypes about women's abilities. I found that, in response to the military's masculine culture, women sometimes perform gender in normative and exaggerated feminine ways. A second tactic is overcompensation: instead of doing as well as men, they did their best to surpass them. Within this category women not only embrace the masculine, but also excel at it. The third tactic is to stay under the radar. Women's employment of these three sets of tactics is not consistent over time. In my observations, many women adapted their tactics in order to reflect their current situation or feelings. All the women in my sample used tactics from each of the three categories at least once during the course of training.

This is not the first study to find that women in masculine organizations utilize gender performance strategies in order to navigate gender boundaries (e.g., Silva, 2008; Barkalow, 1990; Schneider & Schneider, 1988; Swidler, 1986). One exemplary study that focused on this phenomenon is Herbert's book, *Camouflage Isn't Only for Combat* (1998). In her book, which was

based on surveys and interviews, Herbert outlined four strategies that women used to succeed in the Army. The first was to focus on femininity, the second to focus on masculinity, the third was to focus on one or the other based on the situation, and the final category was to minimize both. I have utilized two of Herbert's categories, eliminating the third and rewording the fourth. I found that in my observations each of the women employed multiple strategies depending on the situation. Instead of being a separate set of tactics, this was in fact a metastrategy employed by each of the women.

Herbert found that half of the women in her study used a particular gender strategy, and that most of those employed femininity because of its familiarity and social acceptability, along with the perceived consequences of performing masculinity. This statistic comes from her subjects' reports of using a particular strategy. In contrast, I found that all the women in my sample employed gender strategies. This is likely the result of my combined use of observation and interviews. While Herbert's study relied on self-reports, my use of ethnography allowed me to observe both what they said and what they did. However, both of us agree that Army women use a variety of tactics and strategies to define and redefine what it means to be a woman in the military.

Reinforcing Stereotypes, Emphasizing the Feminine

The first group of tactics employed by women trying to find their place in a masculine institution is relying on existing ideas of femininity and womanhood. As Kanter outlines in her canonical text, *Men and Women of the Corporation* (1977), this refers both to emphasizing feminine characteristics as well as attempting to fit into well-established traditional feminine roles such as mother, sister, and lover. Almost every woman from all three of my field sites at one time or another relied on or turned to traditional feminine characteristics and roles in order to gain acceptance or find their place within the institution. Unfortunately for women in the military, some feminine tactics are actually against regulations, and thus can get the women who employ them into trouble, while others are socially sanctioned because of their incongruity with the masculine expectations of soldiering.

One clear example of reinforcing stereotypes involved a woman in my platoon who seemed to embody the damsel in distress. The woman, whom I'll refer to as "Magna," was an 18-year-old black southerner with a new baby at home. She was extremely soft spoken, and her physical appearance matched her slight voice; she was barely five-feet tall and was also very thin.

She spent most of training in athletic shoes rather than combat boots because of "weak ankles." She rarely carried her own rucksack because of related conditions. While at first most people felt compelled to take care of her, by the end of training most of her peers, both men and women, resented or even despised her.

Many of the men at first adopted Magna as a mascot. She seemed to represent to them a weak yearling in need of their protection and strength. She was an ideal representation of what the military was charged to protect, even though she was training to be the protector. When her weaknesses and fragility began to infringe upon others' training and success, their views changed. After three weeks of many different men having to carry not only their own, but also Magna's 65-pound rucksack, they began to realize that the extra mass was literally weighing them down. I observed on one occasion a man, who was assigned to the task, throw down the sack and yell out to Magna, "I'm not your goddamn mule. If you can't carry your own fucking ruck, then you shouldn't be a soldier!" Magna sheepishly lifted her rucksack and began to whimper, while the other men in the platoon started to cheer. From that point on not a single man offered to help her or any other woman carry anything, including group equipment. The male cadets no longer considered Magna a symbol of their desire to serve, but rather an example of why women should not serve. They drew on her actions to explain why they did not feel comfortable serving with women, because women don't carry their own weight (in this case literally).

During training I overheard a man inquire of several drill sergeants why women were allowed to wear tennis shoes while all the men had to wear combat boots. Magna was the only woman in the entire company cleared to wear anything other than combat boots, but the male cadets generalized this exception to apply to all women and no men. In addition, two of the eight men who responded to my request for written accounts of their experiences mentioned specific incidents related to Magna and the special treatment she received. However, when they talked about the incidents, they did not mention Magna by name, but rather referred to how "women often got special treatment" including women's ability to get out of PT (an exception that was in fact extended to two men in the company as well as to Magna.)

Similar to the male cadets, the women at first embraced Magna, attempting to take her under their wing in order to help her succeed. For instance, Magna had not brought any of the items suggested to help comfort or aid cadets in training: she didn't have any athletic socks, she hadn't brought any sports shoes, and she didn't even have basic hygiene products. One woman gave her an extra pair of shoes, each woman in her squad gave

her a pair of athletic socks, and each day people would share their toiletries with her. It was not too long before the other women realized that the more they tried to help her, the less work she actually did.

On one occasion, a number of missing items showed up in her wall locker. When confronted, she stated, "I thought we all just shared things." In addition, Magna did not participate in cleanup duties around the barracks. One time Magna was lying on her bunk, and another cadet, a 19-year-old white woman from a midwestern state, approached her to suggest some chores she might complete to help the squad, and to remind her that cadets are not allowed to be on their bunks except during lights out.

> Magna: Why you always making me do stuff? You [are] so bossy!
>
> Female Cadet 2: (in a stressed tone) We're all trying to pitch in right now, I just thought you should help. And you're going to get us all in trouble if you stay there.
>
> Magna: But I'm tired, and I don't like cleaning.
>
> Female Cadet 2: (in a loud and very angry voice) You think any of us like cleaning? Now get your ass up and help!

Without a word a third female cadet, a 20-year-old African-American woman from a southern state, walked over to Magna, and shoved her off her bunk and onto the floor. When Magna protested that it hurt and that the woman did not have the right to shove her, some of the other women in the barracks just snickered. I was more shocked than amused by the situation, but I did not in fact intervene on her behalf.

For a while, the damsel in distress act helped Magna avoid unpleasant interactions and steer clear of difficult tasks. Over time, when faced with the disapproval of so many, her tactics no longer served her purpose and she changed her ways. By the end of training she was doing everything required of her and performing up to standards.

However, the platoon used Magna as a symbol of trouble and failure. To many men, she embodied their fears about women's participation in the armed forces, while many women blamed her for the difficulty and opposition they faced from those men. The equation of femininity with weakness is rampant throughout the military, and thus women's displays of culturally prescribed femininity resulted in discomfort for both male and female cadets. The men were reminded of the presence of women, and the women were reminded of their precarious placement within the masculine institution.

Within the company, there always seemed to be one woman capitalizing on this particular form of femininity who quickly became the symbol of

failure within the platoon. However, almost all the women in the company at some point or another reverted to some form of femininity in order to survive. They performed feminine roles as "little sister," "mother," or "sexual or romantic object" (Barkalow, 1990; Herbert, 1998; Schneider & Schneider, 1988). They often consciously enacted such roles in order to minimize the threat they posed to men. If they made themselves demure, or acted out feminine roles that the men understood, they felt they could circumvent the hostility of taking on the masculine role of soldier. For example, I acted in a maternal role, inquiring after people's health and well-being, standing in as the concerned mother figure that otherwise did not exist in this context. Accordingly, many of the cadets, men and women alike, would come to me for advice or consolation when they were down, worked up, or otherwise emotionally or physically taxed.

Other women I observed and later interviewed admitted to actively encouraging the men to treat them like sisters. One cadet, a 20-year-old white southern woman from another squad, said, "it was easier for them to see me as a sister, because then I figured they wouldn't try to hit on me, but also they would feel protective enough of me that they wouldn't let others give me a hard time." Yet another cadet, a black woman from a northern city who was in a different platoon, dated one of the guys in her squad. She later informed me that it was because "they [were] all saying I must be a lesbian because I was so good at all the stuff they [were] good at. If I let the guy kiss me, then he would tell the others I wasn't a lesbian and maybe they'd leave me alone." These performances of femininity (and heterosexuality as linked to femininity) were much more palatable to both men and women, because they did not necessarily involve more work for the men. They were also more attuned with civilian notions of femininity, without compromising the strength necessary for soldiering.

The performance of overt femininity was complicated because sometimes it was strategic, while at other times it was unconscious. Each woman had a history of gender socialization that prepared her for a certain form of gender performance, and the enactment of these performances was often automatic. Crying is an example. Like many others, I once surrendered to tears, and the response this provoked was very informative and helped me better understand how women and femininity challenge the culture of the military.

Since training was conducted in an infantry battalion, an occupational specialty closed to women, many of the men in charge of training had never interacted with women inside the military setting. It seemed they found crying unmanageable because they were conflicted between ideals of the masculine soldier and an understanding of femininity. They were torn

between their civilian socialization on how to treat women, and their military training on how to prepare recruits for service. They could not admonish a woman to ''be a man,'' precisely because she is not a man. The cadre, or leaders, interpreted crying as a sign of weakness, but couldn't seem to figure out how to deal with it in a person whose biology they believed lent itself both to weakness and crying.

Many of my observations reflected this bewilderment toward women's tears. The following interaction occurred while I observed a squad going through a timed obstacle course at LDAC. For the course the smallest and largest member of each squad had to complete each task. The squad I observed consisted of 15 individuals, 3 women and 12 men. The smallest individual was a white woman about 5′2″ and approximately 110 pounds, while the largest was a 6′4″ 245 pound white man (I overheard the squad talking about this giant cadet, so I know his exact measurements, but I had to estimate the woman's measurements). The squad ran adeptly through most of the various obstacles, stopping at the ones designated for the two individual cadets, who completed the tasks with encouragement from their team. When the team got to the rope climb, the man quickly scaled the rope and then made way for the woman. She slipped after her first jump and had to mount the rope again, on the second attempt she started to slip again, at which point her teammates started to yell at her, and not all of the comments were encouraging. The man who had just completed the climb kept repeating, ''just do it, it's not that hard'' and then cursing under his breath. Another man rolled his eyes and loudly commented, ''Just our luck, [cadet's name] had to be the small one.'' After a moment the woman started to cry, and the man who had just made the comment quickly retorted, ''geez [cadet's name], I was just kidding.'' Another cadet encouraged her to just give up and take the time penalty, and said, ''it's not worth the hassle, seriously.'' The leaders of the educator's tour started to frantically whisper, trying to figure out what to do. One suggested that they talk to the woman's lieutenant and encourage him to ''give her a pep talk,'' while the other remarked to the group, ''well, this is what happens when you put a lot of pressure on cadets, sometimes they crack. But they'll all be the better for it in the end.'' The woman continued to cry throughout the rest of the course, which no doubt had an impact on her performance and subsequently her relationship with her squad.

In similar instances at LTC, the cadre took turns talking to the women who cried and trying on one hand to comfort them and make sure nothing terrible had happened, and on the other hand to get them to stop crying. One woman who had a crying episode on a day of leadership told me the

cadre "kept asking who hurt [her]." They wanted to know if she had been physically or sexually assaulted. When she told them neither, they "just sort of stared at me. One sort of patted me on the back and literally said 'there, there,' but mostly they just acted like I was some sort of pariah. It was weird." At every instance I observed where a woman cried, the cadre and cadets had mixed reactions.

In the instances I observed men cry, the same conflict was not present. The first occurrence happened at LTC while the entire platoon was on the ground in the men's barracks doing push-ups. The drill sergeant was punishing the platoon because one of the cadets was late to the evening count. The cadet, a skinny 20-year-old white man, was tucked in the back of the barracks, out of sight of most other cadets and of the drill sergeants. After about 10 minutes I could hear the distinct sound of his snorting, as though he were trying to repress a loud sob. I rotated my body to ask if he was OK, to which he responded in a curt tone, "Mind your own business Furia. If all you women would just show up on time, we wouldn't be here." (In this instance a woman had been late to evening count, but it was the first time, in the six times the platoon had gotten in trouble for a person's tardiness, that the perpetrator was a woman. This experience also further demonstrates how at times some of the male cadets would generalize a single woman's actions to all women.) Then he collapsed into his sobs, unable to do any more push-ups. The noise of his speaking and subsequent collapse attracted the attention of the drill sergeant, who proceeded to berate the cadet for being "such a little girl" and admonished him to stop his "pussy whining."

The second occasion where I observed a man cry was much more public. During the "Where Eagles Soar" portion of the company's FTX, where cadets perform various climbing, rappelling, and high ropes activities, an 18-year-old heavyset white male cadet stopped half way up the 55-foot climbing tower and began to ball. The cadet was afraid of heights and did not want to continue to climb, but was also not comfortable rappelling back down. Many of the other cadets and at least three of the cadre tried to talk him down by challenging his masculinity. One lieutenant told the cadet that "crying is for girls" and that if he "didn't suck it up, stop crying, and get his ass up that wall" that all the other cadets would soon learn that he "doesn't have a penis, he has a pussy." The same day, a woman on the high ropes course also cried. Instead of challenging her masculinity, or referencing her weakness, the cadets and cadre who interacted with her tried to calm her tears by attempting to minimize her fear. One instructor did tell her that "soldiers aren't supposed to cry," but instead of doing it as a means of

getting her to stop crying, he went on to comment ''and that's precisely why we should never have let girls in!''

The different reactions demonstrate the association of crying with femininity, but the reactions toward women's crying also specifically reflect the ambiguity of women's position in the Army. Many such performances of femininity were met with similar confusion or sometimes hostility. This confusion reflects the divergent expectations of the masculine soldiers and feminine women. People's uncertainty about which set of gender standards to hold women accountable to meant that women were often punished, or at least ostracized, for overt exhibitions of either. Displays of femininity were particularly problematic for women because they put their training success in jeopardy. Instructors' extremely negative reactions to men's displays of perceived femininity, such as crying, helped to further reinforce the message to women that femininity is unacceptable in the military context.

Doing Success, Embracing Masculinity

Another popular way of dealing with stereotypes was to overcome them by demonstrating proficiency at the required tasks. Some women took this to the extreme attempting to excel at all required tasks, as well as counteracting feminine stereotypes by divesting themselves of many signs of femininity.

Because the military is an ''institutional arena in which the masculine is preferred over the feminine and men are preferred over women'' (Herbert, 1998), women's perceived femininity detracts from their successes. In order to be seen as equal they must go above and beyond normal-level qualification and also eliminate signs of femininity. This can mean that women strive not only to pass each of their requirements, but also to do so at the highest level. Instead of just qualifying as a ''marksman'' at weapons qualification, many women in my study said they aim for ''expert'' or at least ''sharpshooter.'' During the land navigation test at LTC, a 76 is passing, but 15 out of the 17 women I interviewed told me they aimed to get a 90 or above, a sentiment I also heard repeated regularly by many women in my observations just before taking the test. One woman refused to reveal her score after the test because she felt like she hadn't done well enough. Later she revealed to me that she had gotten a 98, well above the passing score and almost 15 percent higher than the platoon average. She said that she ''overheard some guys talking about how they aced it. I assumed that meant they got perfect scores, so I didn't want to tell them I had missed one question.'' She later found out the guys in question had received scores of 96

but at that point she felt it was too late to share her score. "I didn't think they'd believe me, and even if they did, I figured they would just think I was bragging." Another woman in my observations at LTC told me she "always [tries] to pass the PT test with men's standards. If women have to run a 15:30 to get 100 percent, and men have to run a 14 flat, then I want to run a 13:50. I don't want none of them boys thinking they're better than me just 'cause I'm a girl."

The ways in which women compensated for their perceived differences based on sex weren't always large sweeping gestures, but sometimes had to do with repetition of the everyday actions that might otherwise go unnoticed if it weren't for underlying associations with gender. For instance, dining in the chow hall followed a number of rituals. Cadets were not allowed to speak during mealtime and were expected to consume their food within minutes. At the end of each meal they were not allowed to leave the hall alone, but had to wait until another cadet was finished and leave together. Two cadets would stack their dishes and trays together, and then one cadet took the trays to the kitchen to scrape them and deposit the dishes in the dishwasher while the other cadet waited along the wall. The idea was to keep the line for the kitchen shorter and keep cadets together in buddy pairs, but the action took on a whole new meaning when gender was added to the picture. In same-sex pairs, it didn't particularly matter which of the twosome took the trays, but when there was a mixed-sex set, it mattered to the women. Many of the women I interviewed mentioned this as one location where they would attempt to prove their aptitude and strength. They did not allow for what they called "misplaced chivalry," and went out of their way to always carry the tray. While another interpretation of this particular example from the men's perspective might be that it is women's role to clean up, all of the women I talked to about this issue focused on it as a point of demonstrating their equality. To them it was about conquering stereotypes associated with chivalry.

Often women held other women to higher standards as well. One female lieutenant who graded two women's nighttime land navigation test epitomized this. It is possible to find five points on the test, but cadets only needed to find three points in order to pass. The two cadets found four of the five points before returning to camp within the allotted time. The lieutenant who was in the tent to sign off on the tests was upset by the women's results; she said she was disappointed they didn't "try harder." I knew the chastisement had to do with gender because she hadn't said anything to either of the pairs of men ahead of the women who had only found three and four points respectively. In fact, the overall average for the

platoon was only three points, so even though these women were above average, the lieutenant still thought the women should have tried harder to prove themselves. She came up to the women later and whispered, "you can't just be good enough; you have to be better than them [gestures towards the guys] if you really want to succeed."

The reason women are not only concerned with their own actions, but also the actions of others, is because each woman's actions also reflect on the other women. One woman's success is seen as isolated, while one woman's failure is seen as generalizable. In the case of the trays, if one woman does not carry her weight, then that reflects badly on all the other women, making them have to work harder to counteract the effect. Similarly, with the land navigation, the lieutenant believed that if all the women scored perfectly, it would mean there was no room for criticism, but even an above-average score left open a possibility of disgrace.

While many women hold one another to higher standards, they do not always help other women meet those standards. Some women felt that they must distance themselves from other women, which in turn prevents women from joining together to fight the injustices they face (Herbert, 1998; Dunivin, 1988; Yoder & Adams, 1984). Some women felt that the men would only accept one or perhaps a few extraordinary women, so while they sneered at other women's failures, they did not support those women or aid in their struggles to do better. One such woman was a late-teens white woman from the midwest whose boisterous disdain for other women was quite well known throughout the platoon. She would mock and scoff at other women's failures large and small, simultaneously lamenting the fact that their failures reflected badly on her, while also trying to separate herself from those women and their failures. This woman, and others like her, recognized the damage any woman's failure did to men's opinions of all women, but also feared association with other women would diminish her own success. The problem is that without women peers or mentors, women tend to doubt themselves, making the situation even more difficult to overcome (Yoder & Adams, 1984).

Keeping a Low Profile: The Invisible Woman

The final group of tactics many women attempted to enact in order to gain acceptance related to keeping a low profile during training. Women sometimes sought the near impossible, to become and stay invisible. What this meant as far as gender was concerned was neither appearing nor

behaving in obviously feminine or masculine ways. They did what they had to do without standing out. They did not perform any great feats of gallantry or aptitude associated with the masculine tactics of success, nor did they focus on their appearance or conform to easily recognizable feminine roles, instead they did what they had to do without standing out, or tried to at least.

In fact, invisibility was not a strategy only women undertook, it was one attempted and employed by many cadets in training. Before attending my second research site, I had the opportunity to meet with two young men who had attended it the year before. One of the men I spent time with related tales of excellence; how his squad and platoon regularly scored highly at the various training exercises and succeeded at winning countless group accolades. But at the end of his bragging he showed me a picture of himself with the first sergeant in charge of his company and related to me the following conversation.

> Well the first sergeant walked up to me and asked, "Who are you cadet?" and I told him my name and squad. Then he said "Well son, you must be squared away, because I ain't never heard your name." Well that means he hadn't heard of me good or bad. Which meant they never asked me to do anything special, but it also meant I never got in trouble. I never drew attention to myself, and that's the best way to go for sure. You'd rather them not know your name at all, than to know it for the wrong reasons.

The other cadet I talked to told a similar story. He insisted on the importance of staying under the radar, not sticking out for good or bad reasons. Both men impressed upon me the importance of staying indistinguishable from the crowd, how it is the only way to survive any sort of military training, thus indicating invisibility as an important survival strategy for all soldiers, not just women.

This set of tactics is more difficult for women though, since they automatically stick out because of their sex. PT uniforms, for example, consist of a pair of shorts and a t-shirt. According to regulations, the t-shirt is supposed to be tucked into the shorts with no "blousing" creating a straight line down the body, but women in the company were not allowed to wear tight fitting t-shirts. As one male drill sergeant indicated, wearing such attire "draws attention to [the female cadets] and away from training." All the women in my company were issued PT uniforms that were at least one and up to three sizes too large in order to "not draw attention to [their] bodies" (as stated by the enlisted soldier issuing uniforms when queried why a female soldier could not trade in her attire for a better fitting size). With such oversized clothing, the women were unable to properly tuck in their

shirts and were often chastised for their sloppy appearance. Conversely, the few women who managed to shrink their uniforms or acquire properly fitting clothing and could therefore wear the uniform according to regulation were chastised for their inappropriate display of their bodies. Women's bodies were always in some way breaking regulation.

In spite of the obstacles, invisibility is still a desirable tactic for many women. That's not to say this is a passive approach. In fact it often takes more work than tactics from either of the other categories. Women need to actively manage and balance their image and actions in order to avoid grand displays of either femininity or masculine prowess. They want to pass without excelling and they want to integrate without being noticed. But in a place where any subtle difference stands out significantly, these are not easy tasks.

There were few women who attempted this tactic long term, and fewer still that actually succeeded. The problem was that any success or failure became an even bigger deal when they were women's successes or failures. While a male cadet could quickly recover from a mistake and return to blend into the crowd, women's mistakes were highlighted and held up as evidence of feminine failure. Similarly any extreme success by a woman was lauded as particularly praiseworthy, since the expectations were so skewed. Even accidental successes can result in a cadet's standing out, such as the praise one woman received for being "high-speed" during a companywide surprise barracks inspection at LTC. In this case, her neat and organized wall locker and bunk led to her appointment as first sergeant for an important training ceremony, which set her up for further scrutiny. Another woman from a campus-based ROTC program received attention after arriving on time to three early morning formations when the rest of the battalion was running late. All around, because there were so few women, each individual woman's actions were more closely examined, for better or for worse.

An End to Tactics: Giving Up

The alternative to adjusting one's tactics was giving up. One woman in my platoon chose this path pretty early on in training. Her sudden disappearance and decision to leave training caused a lot of speculation among leadership and peers. Many of the instructors related to other cadets her weakness and inability to cope, suggesting that her decision was one of cowardice and selfishness. Some conjectured that her upcoming

leadership appointment intimidated her because she preferred to keep to herself; others wondered if perhaps she was concerned about the approaching PT test.

Once the woman left, the rest of the women in the platoon felt increased pressure to succeed. The actions of the one woman yet again were generalized to all women. Whenever any of the women had any problems, the cadre would immediately assume they wanted to quit. During my breakdown into tears at the end of the first week of training, many of the leadership inquired whether I was thinking of leaving. Some of the other women from my platoon related similar experiences during their posttraining interviews. Many said that whenever they were having a hard time with their assignments or were frustrated and upset, the cadre often cited the cadet who left as evidence of women's propensity for quitting, and asked if they were going to "give up too." Many women also cited the one woman's leaving, and the cadre's subsequent statements on the matter, as an impetus to try even harder. This perhaps was a skilled tactic on the part of the cadre to inspire the women to succeed, but what it meant was that the women who remained had yet another gendered expectation with which to deal.

CONCLUSION: USING TACTICS FROM MULTIPLE CATEGORIES

Throughout my research, no one woman focused on a single category, but rather used tactics from all three categories based on her audience and the context. One explanation for the changes in women's tactics throughout their training experience is that, according to Swidler (1986), the choices people make are shaped more by the immediate situation than by overall values. This means that even if a woman is dedicated to utilizing one method, she might adapt her strategy and choose from tactics in other categories in order to figure out how to make things work when the situation changes or if her current set of tactics isn't serving her purpose.

Early on at camp there were approximately an equal number of female cadets who utilized tactics from each of the three categories. Over time many of the women ended up integrating new tactics from other categories or changing course all together. Some of these tactics were most definitely conscious endeavors while others were more on the side of reactive survival mechanisms.

Those women who started off focusing on the feminine and relying on previously accepted feminine stereotypes soon learned that they could not always be demure if they were going to succeed in training, or that they were drawing too much negative attention to themselves. For instance, Magna enacted the damsel in distress act for weeks before she realized it was no longer working and decided she had to start participating if she was going to pass (and not be completely ostracized). She tried to adopt the tactic of keeping a low profile, still not excelling, but also not standing out for her extreme femininity.

Similarly those who attempted invisibility or gender-neutrality realized that at times they would end up having to assert some form of gender identity whether feminine or masculine, even if inadvertently. One tall quiet woman from a non-state American territory did a fairly good job staying under the radar, drawing attention to herself neither for her success nor her failures until she received a leadership assignment. As it turned out she had a booming voice and a really good leadership presence. This combined with her skills on the shooting range made her a bit of an enigma to many of the male cadets. She could no longer fly under the radar. Instead she focused on emphasizing her extreme successes, and striving for excellence. Correspondingly, my attempts at anonymity ended rather quickly when, because of my incessant note taking, the drill sergeants regularly pointed to me as an exemplar of obedience and discipline, which in turn led to resentment among my peers. This directed me instead to a series of tactics that involved acting as a mother figure (emphasizing the feminine) as well as striving to utilize masculine skills, such as spitting, in order to gain social acceptance among the male cadets.

Finally those women who started off as overachievers working hard to fit into the masculine culture often found that their actions were then even more closely scrutinized. If they ever failed at a task, they had to find a different way to gain acceptance. Other times women would realize that they did not want the sort of acceptance they were seeking. One woman strove to eliminate all signs of femininity by enacting almost exclusively masculine characteristics (specifically an air of toughness, aggression, and self-assuredness), hiding physical indicators of femininity (binding her breasts, cutting her hair short, and stopping her period), and striving to succeed at the men's (rather than women's) standards for qualification. She was trying her best to almost literally become one of the guys, but then she found that this resulted in her being labeled as "too masculine" and thus suffering the consequences, including allegations of homosexuality, which in the military can be career ending. Eventually, as I mentioned before, she had

to resort to performing heterosexuality (dating and kissing a male cadet) as an associated display of femininity. The relationship she formed and the associated public and private displays of affection were in fact against fraternization regulations within training.

Other women found that in spite of their successful masculine performances, their physical appearance or just their identification as women was enough to derail their attempts to integrate through masculinity. In spite of having won the award for highest overall PT score by succeeding above and beyond the men's standards for the test, one woman was still derided for having done so as a woman. The implication was that she somehow still benefited from the differential standards for men and women, in spite of having succeeded even beyond the men's standards. In general, each set of tactics has consequences and penalties, some social and others institutional, so women had to adapt to situations on a case-by-case basis, as well as utilize tactics from multiple categories.

The ultimate goal of all these tactics was for women to find ways to successfully navigate between the masculine requirements of soldiering and the preconceptions about femininity. Each woman in the platoon, along with the women I observed in later training scenarios, chose their tactics based on the particular situation they were in, and based on the people with whom they were working. Military women must adapt to expectations to achieve success in a masculine-gendered institution. They don't fundamentally change who they are, but instead they adapt their tactics from within their cultural toolbox in order to perform gender in nuanced variations. They engage in protective practices as a means to continually strive for success, and avoid performance disruptions, which can challenge their position within the institution.

According to Yoder and Adams (1984), women can't be a good woman and a good soldier. While my research contradicts the idea that the combination is impossible, it does attest to the fact that women must execute a very complicated balancing act in order to be successful.

NOTE

1. At of the time of this study the "don't ask, don't tell" policy was still in place, thus even if the women might have identified as something other than heterosexual, it is possible they were not comfortable sharing this information with me because outing themselves could result in a loss of scholarship/commission.

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GENDERED APPEARANCE NORMS: AN ANALYSIS OF EMPLOYMENT DISCRIMINATION LAWSUITS, 1970–2008

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ABSTRACT

The formal and informal regulation of employees' appearance is a routine component of organizational life. In our research, we analyze appearance-related employment discrimination lawsuits. These cases involve organizational dress codes, grooming policies, and employers' attempts to regulate employees' appearance with regard to weight, hairstyles, religious attire, body art, and more. Men and women who refuse to comply with appearance norms face termination of their employment, promotion denials, lower wages, transfers, not being hired in the first place, and other workplace sanctions. Our focus on court deliberations and decisions allows us to explore not only the gendered nature of appearance policies themselves but also how the legal system supports, reinforces, codifies, or, conversely, deems unacceptable such policies. Our data demonstrate that organizations and courts are likely to support appearance norms that reinforce traditional ideas about femininity and masculinity.

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A wide body of research examines how seemingly neutral organizational policies create and reinforce stereotypes and inequalities based on gender (e.g., Acker, 1990; Britton, 2000), as well also those related to class, race, and sexual orientation (see Britton & Logan, 2008, for a review). Scholars have discovered such stereotypes and inequalities stemming from a wide range of organizational policies, including job definitions (Acker, 1990; Pierce, 1995), wage structures (Acker, 1990; Roth, 2006), maternity policies (Guthrie & Roth, 1999), and promotions (Acker, 1990; Williams, 1992), among others. In this chapter, we analyze a different kind of organizational policy – workplace regulations of employees' personal appearance – to examine the ways in which organizations create and reinforce stereotypes that are gendered, raced, classed, and sexualized. We also take a different approach to our analysis of these policies. We do not study the policies themselves or workers' lived experiences of gendered organizational policies. Instead, we analyze some employees' resistance to organizational appearance norms and policies through an examination of appearance-related employment discrimination lawsuits. By examining legal outcomes of these lawsuits, we have an opportunity to explore not only the gendered nature of appearance policies themselves but also how such policies are supported, reinforced, codified, or, conversely, deemed unacceptable by the legal system.

Grooming or appearance policies rely on and reproduce stereotypes and inequalities based on gender, race, class, and sexual orientation. Because Western culture is generally preoccupied with appearance, employers have an interest in how their employees appear to the general public. Thus, the policies they design are often informed by popular stereotypes and norms of attractiveness, femininity, and masculinity. Sometimes, these stereotypes are explicit, as when employers require women to wear high heels or allow men to have visible tattoos but not women. Sometimes, stereotypes embedded in organizational policies are more subtle, as in the early 2000s, when clothing chain Abercrombie & Fitch allegedly terminated or transferred to less visible positions workers who did not fit A & F's "all-American look" (Hurley-Hanson & Giannontonio, 2006). Employees successfully sued, resulting in a $40 million consent decree and a change in Abercrombie's hiring practices.

In general, employers are legally allowed to regulate whether a working body complies with an organization's overall image or the expectations they have of their employees' physical appearance. These employer regulations or policies range from mandating uniforms or certain modes of dress to proscribing certain hair styles or hair lengths, to formally or informally regulating employees' body shapes and sizes, to simply not hiring, not

promoting, or firing individuals whose appearance does not conform to an employer's ideas about attractiveness, femininity, or masculinity. Because there are no federal protections against discrimination based specifically on appearance, employees who wish to file claims against their employers must use more general discrimination protections to make their case.

To varying degrees of success, employees have made appearance discrimination claims based on constitutional challenges arguing that particular appearance policies or regulations violate their constitutional rights to free expression, speech, or liberty (see Avery & Crain, 2007; Rhode, 2009); Title VII claims of discrimination based on sex, race, or religion; disability discrimination claims under the Americans with Disabilities Act (ADA) (in the appearance realm, many of these challenges are obesity/overweight cases); and to a lesser degree, age discrimination claims under the Age Discrimination in Employment Act (ADEA).

The most often invoked piece of legislation for appearance discrimination claims is Title VII of the 1964 Civil Rights Act, designed to protect workers against sex, race, and religious discrimination in hiring and employment. There are two dominant arguments that workers can make with respect to Title VII: (1) that particular policies or regulations treat employees differently based on race, sex, religion, or national origin or (2) that particular policies or regulations that seem neutral on their face have a disparate impact on a specific sex, race, religious group, or people of a national origin, such as when police or fire departments impose a minimum height requirement that ends up having a disparate impact on women.

Below, we review sociological studies of femininity and masculinity in the workplace, as well as some of the previous research on organizational appearance policies. We then discuss our data and methods before turning to our findings which demonstrate that, over the past 40 years, federal courts have not only reinforced appearance norms, but they have reinforced *gendered* appearance norms.

GENDER AND APPEARANCE IN THE WORKPLACE

A large body of research demonstrates institutional advantages in the workplace for individuals who conform to aesthetic and other cultural ideals, including hegemonic ideals of femininity, masculinity, and attractiveness (for a recent summary, see Kwan & Trautner, 2009). A consistent finding in this literature is that women especially are held accountable to numerous appearance norms, including, among others, those related to their

hair, makeup, body size and shape, and clothing (Chapkis, 1986; Gimlin, 1996; Weitz, 2001). The basic assumption that underlies all of these norms is that women's bodies must be altered in some way – that their natural state is unacceptable. When women do not conform (or attempt to conform) to these norms, they face the possibility of sanctions in both their personal and professional lives. For example, Dellinger and Williams (1997) find that wearing makeup elicits several benefits for women in the workplace, including being perceived as being well rested and having an overall healthy appearance. When women who usually wear makeup show up to work without it, they are questioned by others about their health and/or energy level. Likewise, women who usually did not wear makeup to work received positive attention on those occasions when they did. Women in their study also felt that wearing makeup at work increased their perceived competence and credibility. Wearing makeup for them was seen as part of "looking professional." Young women can use makeup to try to look older (and thus more credible), older women can use makeup to appear younger (and thus more competent), lesbians can wear makeup to pass for straight, and women of color can use makeup to signal that they "fit in" with the norms of the dominant culture.

Similarly, women feel that their hair conveys messages to others in the workplace about their own competence, professionalism, and credibility (Weitz, 2001). Weitz found that many women feel a tension between femininity and professionalism and often cut their long hair short to appear more mature and competent and less "girly" (2001, p. 678). Other women rely on longer hair to convey messages about their professionalism, as did one of the lesbian women in Weitz's sample, who felt that her long hair helped her to "pass" as heterosexual, which she felt had helped her to gain benefits and avoid sanctions in the workplace.

Men are also required to enact "masculine" selves at work (Quinn, 2002; Schrock & Schwalbe, 2009), and appearance is a key way in which masculinity can be performed (Pope, Phillips, & Olivardia, 2000; West & Zimmerman, 1987). Dozier (2005) found in her study of female-to-male (FTM) transsexuals, for example, that conformity to masculine norms and ideals in terms of facial hair, musculature, and other bodily signifiers was an important element in how transmen were able to establish credibility and competence at work.

Beyond these sorts of informal and interactional rewards that men and women can reap in the workplace, studies also show that both men's and women's conformity to hegemonic ideals of masculinity and femininity has a measurable impact on many stages of the employment process including

hiring, wages, performance evaluation, and promotion (Hammermesh & Biddle, 1994; Hosoda, Stone-Romero, & Coats, 2003). Thus, individuals do not just work as people, they work as gendered people. And as others have shown, they work as raced, classed, and sexualized people as well (see Britton & Logan, 2008, for a review).

While these and other studies tell us a lot about how norms of femininity, masculinity, and beauty affect workers and workplaces, few studies have examined actual organizational policies regarding employees' appearance, and those that have done so tend to come from legal scholars, not sociologists. These legal analyses tend to be normative in nature (i.e., "the law should change," e.g., Rhode, 2009), or small in scope, focusing on the legal decision made in one particular case (e.g., Avery, 2007; Pizer, 2007) or on decisions or policies regarding one aspect of appearance (e.g., McEvoy, 1992, focusing on obesity discrimination).

The formal and informal regulation of employees' appearance is a routine component of organizational life. Like Anne Hopkins who was denied partnership at her accounting firm because she was not feminine enough (*Price Waterhouse v. Hopkins*, 490 U.S. 228, 1989); Darlene Jespersen, a bartender who was fired for refusing to wear makeup (*Jespersen v. Harrah's Operating Co., Inc.*, 444 F.3d 1104, 2006); or Ronald McConnell, who was fired when he refused to cut his long hair (*McConnell v. Mercantile Nat. Bank at Dallas*, 389 F.Supp. 594, 1975), men and women who do not conform to appearance norms or formal organizational policies may experience non-hiring, promotion denials, transfers, dismissal, and other workplace sanctions. What happens, however, when employees challenge what they experience as discriminatory actions by employers? In this chapter, we examine appearance-related employment discrimination lawsuits. We expand previous lines of inquiry by examining a large number and a wide range of appearance cases over a nearly 40-year period. We document the types of cases that workers have brought before the courts, how they have changed over the years, and their legal outcomes. Finally, we discuss the significance of these types of cases and their legal outcomes to the larger body of research on femininity and masculinity in the workplace, and discuss implications for future research.

METHODS AND DATA

To address these questions, we analyze 201 appearance-related employment discrimination lawsuits that were brought into federal courts between 1970

and 2008 and reported in the Westlaw legal database. We start with 1970 because that is the first year an appearance-related employment discrimination case appeared in the federal courts; we did not impose this start date on the data. We did, however, impose 2008 as the ending year because our data collection took place in 2009 and we would not have been able to include cases spanning the full calendar year. We began by searching the Westlaw federal case database for all cases which alleged some sort of employment discrimination related to appearance. Along with Lexis, Westlaw is one of the major online legal databases used by both legal practitioners and academics. Using very broad search terms[1] in order to cover nearly every aspect of appearance we were able to think of,[2] our initial search yielded 988 cases. Together for the first 100 cases to establish coding and elimination rules and reliability, and then separately after that, we read through the synopsis and digest fields of all cases and eliminated those which were duplicates and those which were not actually appearance discrimination cases (often times a search term was used in ways that did not relate to appearance, for example, an employee's allegation that he/she was "pretty good" at something or a claim that an argument or decision "had no teeth"). This process of culling resulted in a final dataset of 201 cases.

While the exhaustiveness of our dataset rests in large part on our search terms, we believe that this dataset is comprehensive. First, we used a broad array of search terms. Second, we also included all cases that were formally coded by Westlaw under the 78k1177 category (Civil Rights – Employment Practices – Personal appearance; hair and grooming). Finally, we erred on the conservative side and included all cases remotely relating to appearance. For example, while we do not report here specific analyses on cases that have to do with height (e.g., cases where plaintiffs did not reach a height requirement) or weight (e.g., obesity cases that often invoked a medical disability discrimination charge), these cases were included in our dataset.

After gathering the full text of each case decision (including each case's full history, which for some cases meant gathering the full text of up to 12 separate judicial decisions), we worked jointly to code these cases over three passes. In the first pass, we read through cases for information on the race and gender of the plaintiff, the general dimension of discrimination under question, and the outcome of the case. In the second and third passes of coding, we added variables for which to search and refined those with which we started. We also had a research assistant code any new variables as needed such as, among others, the male-to-female (MTF) or FTM code for transgendered plaintiffs, the industry code, and employee's occupation code. Our final list of variables included many case descriptors such as start and

finish year, final court in which the case was heard, state where case originated, whether the case involved the Equal Employment Opportunity Commission (EEOC), the main piece of legislation invoked by the plaintiff, and more. However, for the present analysis, we focus on the following variables:

Plaintiff's Gender: Based on textual information in the cases, we were always able to code for gender using the following categories – man, woman, transgender, and both men and women (with class suits). Within the transgender category, we were also able to identify if a plaintiff was MTF or FTM. Case decisions almost always referred to the plaintiffs as men or women (or transitioning/transitioned men or women) and used gender-based pronouns such as "she" or "he" to refer to the plaintiff(s).
Plaintiff's Occupation: We coded each plaintiff's occupation (or group of plaintiffs when they were of the same occupation) by type of employment, namely managerial and professional; service, clerical/administrative, sales workers, and related occupations; and blue collar workers such as truck drivers, maids, and mechanics. A case was coded as "multiple" if there were multiple employees working in different occupational tiers.
Key Appearance Dimension(s): We coded each case according to its key appearance dimension including (1) obesity/overweight (i.e., plaintiff alleging discrimination based on being too heavy); (2) minimum weight (i.e., plaintiff alleging discrimination based on not being heavy enough); (3) height (nearly every height case dealt with not being tall enough); (4) facial hair (e.g., beards, sideburns, or moustaches); (5) head hair (e.g., hair length, color, or style); (6) clothing (e.g., shirts, pants, dresses, skirts, or shoes); (7) accessories (e.g., buttons, pins, jewelry, ties, or piercings); (8) tattoos; (9) makeup (i.e., cosmetics including fingernail polish); (10) transgender/transsexual; (11) overall appearance (a catch-all category that including a general violation of appearance norms or grooming policy); and (12) other (miscellaneous appearance cases).
Legal Basis of Discrimination: We coded cases for whether plaintiffs charged sex, sexual orientation, religion, race/ethnicity, age, or disability as the legal basis of discrimination.
Defendant Status: We coded each employer for sector (public or private) and the type of industry, specifically (1) government service; (2) retail goods and services; (3) construction, manufacturing, and processing; (4) financial, administrative, and related services; (5) education; and (6) other organizations such as nonprofits, unions, and religious organizations.
Outcome: Most of the cases in our dataset were complex and involved many points of law. The final decision, then, usually involved a number of

decisions on each point of law. Among other outcomes, points could have been awarded, remanded, vacated, affirmed, partly affirmed, reversed, or dismissed. We coded for whether the employee, in the final court decision, won a major point of law related to appearance.

FINDINGS

We begin with several broad descriptive findings in an attempt to map out some general patterns of appearance-related employment discrimination lawsuits. Here, we present basic trends about who sues, what kinds of cases have been heard by the courts over the years, the types of organizations that have been sued, and the legal outcomes of these suits. In these basic descriptive trends, we pay special attention to gender, that is, who sues by gender and who wins by gender. Next, we take a closer look at how courts have reinforced appearance norms in several key dimensions of appearance: hair; clothing, accessories, and tattoos; and makeup. As a whole, our analyses illustrate that federal courts not only reinforce appearance norms, they reinforce *gendered* appearance norms. This is particularly evident in a fourth set of cases we consider – gender nonconformity cases involving transgendered plaintiffs.

General Trends

Table 1 presents the number of cases (and percentages) for six appearance dimensions broken down by plaintiff gender (men, women, both, or transgender). The majority of cases were hair cases (60 or 30%), followed by the clothing, accessories, and tattoo case category that comprises 22% of all cases. Claims filed by women and men were about equal at 41% and 43%, respectively. Mixed gender suits comprise 8% of all cases, while the remaining 8% of cases were filed by individuals who identify as transgender.

We categorized organizations by type and nearly half of the 201 cases were in the retail goods and services industry ($n = 95$, or 47.2%). This was followed by government services, a category that included all levels of public service ranging from city police and fire departments to state corrections and federal defense organizations. These cases comprise 59 or 29.4% of all cases. Twenty-two (10.9%) cases were filed against employers in the financial and related industries, while 11 or 5.5% involved the construction,

Table 1. Appearance Dimension of Cases by Plaintiff's Gender.

Appearance Dimension	Cases Brought by Men	Cases Brought by Women	Cases Brought by Men and Women Together	Cases Brought by Transgendered Individuals	Total Number of Cases (and percentage) in Each Appearance Dimension
Clothing, accessories, tattoos	8	34	2	0	44 (21.9%)
Hair	52	8	0	0	60 (29.8%)
Obesity/overweight	14	15	1	0	30 (14.9%)
Transgender	0	0	0	16	16 (8.0%)
Minimum weight/ height	2	14	9	0	25 (12.4%)
Other	7	16	3	0	26 (12.9%)
Total number of cases (and percentage) by plaintiff's gender	83 (41.3%)	87 (43.3%)	15 (7.5%)	16 (8.0%)	201 (100.0%)

manufacturing, and processing industries. Lastly, 8 (4.0%) plaintiffs worked in education (either colleges or schools) while the remaining 6 (3.0%) cases were classified in other industries, including nonprofit, unions, or religious organizations.

We also classified each plaintiff by job type. Most cases (124 or 61.7%) involve plaintiffs who work in service, sales, clerical, or administrative positions. This is followed by plaintiffs who work in blue collar positions such as laborers, mechanics, and truck drivers (39 or 19.4%) and plaintiffs who occupy managerial or professional positions such as lawyers, doctors, and teachers (37 or 18.4%). In one case (0.5%), employees of a hotel worked in multiple occupations, that is, clerical, managerial, and housekeeping (*Davis v. Hospitality Services, LLC*., 372 F.Supp.2d 641, 2005). Notably, rates of invoking sex discrimination were slightly higher among middle-tier service or administrative workers. Eighty-two of 124 (or 66%) invoked sex discrimination compared to 18 of 37 (or 48.6%) managerial or professional workers and 18 of 39 (or 46.2%) of blue collar workers who filed suit based on sex discrimination.

Of these 201 cases, 118 (or 58.7%) involve sex discrimination. Eleven of the 30 obesity/overweight cases involve sex discrimination (4 of which were successful). Of the minimum weight/height cases, 19 of the 25 cases (or 76%) involve sex discrimination, 12 of which were successful. In the catch-all

Table 2. Cases Won by Plaintiff's Gender and Appearance Dimension.

Appearance Dimension	Cases Won by Men	Cases Won by Women	Cases Won by Men and Women Together	Cases Won by Transgendered Individuals	Total Cases Won in Each Appearance Dimension	Success Rate (%)
Clothing, accessories, tattoos	3	10	1	0	14	31.8
Hair	9	1	0	0	10	16.7
Obesity/ overweight	2	6	0	0	8	25.6
Transgender	0	0	0	4	4	25
Minimum weight/ height	0	9	6	0	15	60
Other	3	8	2	0	13	50
Total number of successful cases (and success rates)	17 of 83 (20.5%)	34 of 87 (39.1%)	9 of 15 (60.0%)	4 of 16 (25.0%)	64	31.8

"other" category, 16 of 26 cases (61.5%) invoke sex discrimination, where only 7 of these cases involved successful plaintiffs. In the following section, we focus specifically on the remaining appearance dimensions, including rates of sex discrimination; as such, we do not elaborate on these dimensions here.

As indicated in Table 2, plaintiffs win about one-third of cases (31.8%), ranging from 16.7% for hair cases to 60% of wins for plaintiffs who do not satisfy a weight or height requirement. Success appears to be more likely in cases of mixed-sex plaintiffs (60%), while women's success rate (39.1%) is generally higher than men's (20.5%) – a winning rate comparable to transgendered plaintiffs at 25%. Success rates are quite similar across occupational tiers. Managerial and professional plaintiffs saw success 29.7% of the time, compared to 32.3% and 33.3% for service/administrative/clerical workers and blue collar workers, respectively.

Hair

Federal courts deliberated on 60 hair-related cases between 1970 and 2008, with men initiating 52 (or 86.7%) of these cases. This is somewhat ironic as most of these cases invoke Title VII, designed in part to protect women in the workplace. The sex difference in filing is particularly evident during the 1970s when 29 cases were filed by men and none by women.

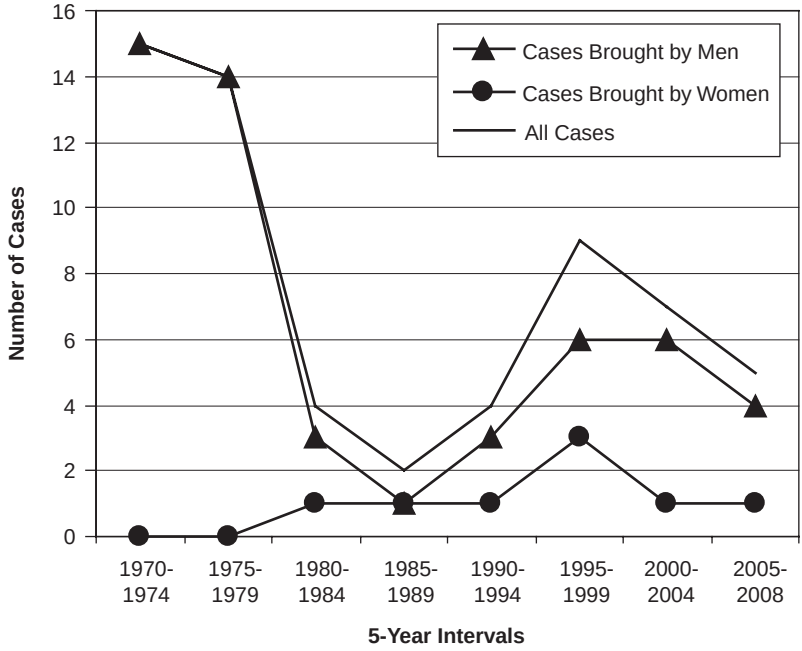

Fig. 1. Number of Hair-Related Cases by Gender.

The first woman-initiated hair case emerged in the 1980s when such cases were generally on the decline (*Rogers v. American Airlines*, Inc., 527 F.Supp. 229, 1981). Overall, as Fig. 1 indicates, we observe a general decline in cases from 1970 to 1996 and a small increase in cases in the late 1990s. Fig. 1 also makes clear the sex gap in lawsuits over this 38-year study period. Many factors may have contributed to this decline, including an overall relaxing of appearance norms including gendered hair norms in the workplace.

While plaintiffs who sued over hair-related issues accused employers of discrimination based on race or ethnicity, religion, age, and/or disability, about half of these hair cases involved claims of sex or gender discrimination (33 of 60 or 55%). Of note, men filed the majority (29 or 87.8%) of these 33 cases. In fact, 23 of these 33 cases (69.7%) were filed before 1980 and a closer look at the data reveals that these early cases are primarily sex discrimination cases filed by men. In these cases, male plaintiffs charged that company policy or actions held men and women to different standards when it came to hair length (e.g., *McConnell v. Mercantile Nat. Bank at Dallas,* 389 F.Supp. 594, 1975) or facial hair such as sideburns and beards

(e.g., *Garrett v. City of Troy*, 341 F.Supp. 633, 1972; *Wofford v. Safeway Stores, Inc*., 78 F.R.D. 460, 1978). These types of men's hair length and facial hair cases continued into the 1980s through to the mid-2000s, but unlike early sex discrimination cases, these later hair cases also involved other axes of discrimination such as religion (e.g., *Booth v. Maryland*, 327 F.3d 377, 2003; *Brown v. F.L. Roberts & Co., Inc*., 419 F.Supp.2d 7, 2006) and race (African-American men and beards, e.g., *Bradley v. Pizzaco of Nebraska, Inc*., 7 F.3d 795, 1993).

In contrast to this narrow range of men's sex discrimination cases involving trimming head hair or removing facial hair, hair cases filed by female plaintiffs vary immensely. Some cases involved braids (e.g., *Rogers v. American Airlines, Inc*., 527 F.Supp. 229, 1981), other employees were told to improve their hair (e.g., *Mannikko v. Harrah's Reno, Inc*., 630 F.Supp. 191, 1986), that their hair was too long (e.g., *Fortner v. State of Kan*., 934 F.Supp. 1252, 1996), that their hair was too different and eye catching (e.g., *Hollins v. Atlantic Co., Inc.,* 993 F.Supp. 1097, 1997), that their coiffure was out of style (*Gonzalez v. El Dia, Inc*., 304 F.3d 63, 2002), or were sanctioned for having an unusual hair color (e.g., *Mathis v. Wachovia Bank*, 255 Fed.Appx. 425, 2007). Only half (four of eight) of these cases allege sex discrimination while the remainder charge discrimination on grounds of race (e.g., *Hollins v. Atlantic Co., Inc*., 993 F.Supp. 1097, 1997), age and disability (e.g., *Gonzalez v. El Dia, Inc.,* 304 F.3d 63, 2002), and religion (e.g., *McGlothin v. Jackson Mun. Separate School Dist.,* 829 F.Supp. 853, 1992).

Of the 60 hair cases, only 10 case outcomes favored plaintiffs. Nine of these cases involve racial or religious discrimination and there is only one successful sex discrimination case. In *Donohue v. Shoe Corp. of America* (337 F.Supp. 1357, 1972), the plaintiff, a shoe salesman discharged for long hair, alleged sex discrimination as the employer permitted women to wear long hair. The court emphasized that unless sex is a bona fide occupational qualification (BFOQ), employers cannot refuse to retain an employee based on stereotyped characterizations of the sexes. The court's progressive thinking and justification are made clear in the ruling: "In our society we too often form opinions of people on the basis of skin color, religion, national origin, style of dress, hair length, and other superficial features. That tendency to stereotype people is at the root of some of the social ills that afflict the country, and in adopting the Civil Rights Act of 1964, Congress intended to attack these stereotyped characterizations so that people would be judged by their intrinsic worth" (*Donohue*, 337 F.Supp. 1359, 1972).

The decision in Donohue, however, is not the norm: hair cases alleging sex discrimination are generally unsuccessful. *Dodge v. Giant Food, Inc.*

(488 F.2d 1333, 1973) is exemplary of these earlier sex discrimination hair cases filed by men. Similar to *Donohue*, in *Dodge*, male employees sued the food store chain alleging they were discharged or assigned unfavorable positions because they chose to wear their hair longer than what was permitted by Giant's grooming policy. The Court of Appeals, D.C. Circuit, held that grooming regulations that prohibited men from wearing long hair and provided that long hair on women must be secured did not violate Title VII. The court held that Giant did not limit employment opportunities based on hair length and the company did not impose disadvantages on one sex. The Court of Appeals thus affirmed the lower-court decision arguing that Giant's grooming regulations (that were developed in conjunction with both management and labor) were not unreasonable and that they applied to both sexes, regardless of race, the purposes of which was to "insure a neat and attractive, well-groomed male or female clerk." Indeed, the court's interpretation of such a clerk relied on traditional understandings of masculine appearance – where men should not possess long hair, a feature associated with femininity.

Similarly, sex discrimination hair cases filed by women tend to be unsuccessful. The hodgepodge of these cases involve many aspects of hair and appearance including charges of unclean and unkempt hair (*Mannikko v. Harrah's Reno, Inc.*, 630 F.Supp. 191, 1986), an officer's hair length, bulk, and style (*Fortner v. State of Kan.*, 934 F.Supp. 1252, 1996) and a female security guard whose hair was too long (*Batson v. Powell*, 21 F.Supp.2d 56, 1998). In all of these cases, for a variety of reasons, federal courts upheld the organization's ability to enforce restrictions on hair. A similar outcome occurred in *Rogers v. American Airlines, Inc.* (527 F.Supp. 229, 1981). However, this case is of particular interest, as the courts failed to recognize the intersection of sex and racial discrimination.

Rogers charged that American Airline's hair policy denied her the right to wear her hair in cornrows, thereby discriminating against her as a black woman. The court ruled that American Airlines' policy did not violate the 13th Amendment and did not discriminate against either women or blacks. Specifically, the courts argued that the grooming policy was even-handed insofar as it was neutrally applied to both men and women and individuals of all races. A key argument in the case was whether cornrows are worn as a matter of choice. In consideration of racial discrimination, the court concluded that all-braided hairstyles are different than Afro- or natural hairstyles, since they are not the product of natural hair but of artifice. In this way, the courts concluded that braids, a cultural practice, are presumably mutable. Although, as leading cultural defense scholar Renteln

questions, "it is not obvious why traits chosen by ethnic groups should be less privileged than immutable traits. Whether innate or not, they are part of the cultural identity of the group in question" (2005, p. 143). This objection to cornrows, she theorizes, may be attributed in part to how cornrows stand in contrast to European aesthetics and are associated with the uncivil, unclean, resistance, slavery, and sexual provocation (2005, pp. 144–145). In addition, Caldwell's (1991) sociolegal analysis suggests that the outcome of *Rogers* was due in part to the court's failure to understand the intersection of race and gender since braids are an issue for black women specifically, and not all women, and not all blacks.

Indeed the relationship between racial and gender discrimination is complex, as legal scholar Onwuachi-Willig (2010) argues. The courts, she argues, have generally failed to protect black women because they do not fully understand black women's hair and the limited options they have for styling it. According to Onwuachi-Willig, African-American women whose employers ban braids, twists, and locks place an illegal and undue burden on black women. Unlike white women whose hair falls naturally, black women who face this ban have only three hair options: an Afro which is protected by law; a close cropped cut; or straightening through frequent chemically induced perms. For this reason, she argues, black women's hairstyles such as braids should also be protected by antidiscrimination laws.

In sum, hair cases that involve sex discrimination have been generally unsuccessful. In this way, employers have been able to enforce grooming standards that may be based on traditional notions of femininity and masculinity, a particularly complex matter when race is factored in.

Clothing, Accessories, and Tattoos

Between 1970 and 2008, 44 plaintiffs filed lawsuits against employers who violated what employees felt was a right to wear certain accessories, clothing, or tattoos. Accessory cases vary quite a bit, involving, among others, religious necklaces (e.g., *Hedum v. Starbucks Corp.,* 546 F.Supp.2d 1017, 2008; *Kreilkamp v. Roundy's, Inc*., 428 F.Supp.2d 903, 2006), other religious paraphernalia such as a "Jesus Loves" T-shirt (e.g., *Downing v. West Haven Board of Ed.,* 162 F.Supp.2d 19, 2001), facial jewelry (e.g., *Cloutier v. Costco Wholesale,* 311 F.Supp.2d 190, 2004), and union buttons (e.g., *Scott v. Goodman*, 961 F.Supp. 424, 1997). In this group, we also include religious head covering such as the hijab (e.g., *EEOC v. Alamo Rent-A-Car LLC*, 432 F.Supp.2d 1006, 2006). Thirty-four of these 44 cases

(77%) were filed by women and 8 (18.2%) were filed by men. The other two cases were filed by both men and women. About half (25 of 44, or 56.8%) of these cases allege sex discrimination. Of these 25 sex discrimination cases, women filed 21, men filed 3, and one case was filed by women and men jointly. Notably, success rates for women and men are comparable. Only 14 of the total 44 cases (32%) in this category saw plaintiff success, whereas 8 of 25 (32%) sex discrimination cases were successful; 7 of 21 (33.3%) female plaintiffs and 1 of 3 (33.3%) male plaintiffs were successful.

In the majority of clothing and accessories cases, employers try to either impose certain kinds of clothing on employees or prevent them from wearing particular clothes or accessories. Legally, most businesses are allowed to use their employees' clothing and dress to achieve a particular "tone" or "image," and this "tone setting" or "branding" often results in different clothing requirements for men and women employees (Avery & Crain, 2007; Bartlett, Harris, & Rhode, 2002). Our data reveal that employers are about twice as likely to win clothing, accessories, and tattoo cases, including those where plaintiffs allege sex discrimination. Courts are only likely to side with employees under two general conditions (Levi, 2007): first, when employer policies sexually objectify women, thereby subjecting them to harmful effects such as verbal or physical sexual harassment, as in *EEOC v. Sage Realty Corp.* (507 F.Supp. 599, 1981) and, second, when an employer's policies require stricter standards for one group of workers than they do for another, as in *Laffey v. Northwest Airlines* (366 F.Supp. 763, 1973) or *O'Donnell v. Burlington Coat Factory Warehouse* (656 F.Supp. 263, 1987).

In *EEOC v. Sage Realty Corp.* (507 F.Supp. 599, 1981), the plaintiff was employed as a lobby attendant for a Manhattan office building. Every six months or so, lobby attendants were given new uniforms to wear, often related to a particular theme (uniforms included, for example, a tennis dress, blue jeans and cowboy boots, and a kilt outfit). In 1976, attendants were given "bicentennial" uniforms. These uniforms (for women only, as men ceased to be employed as lobby attendants the year prior) were essentially ponchos, snapped at each wrist, with light stitching tacked together at each side, but for the most part open on the sides. Attendants "were not permitted to wear a shirt or blouse, a Danskin, pants, or a skirt under the outfit," only sheer stockings and blue dancer pants. The uniform was thus quite revealing of women's thighs, buttocks, and the sides of breasts. While wearing the uniform on the job, the plaintiff found herself on the receiving end of a number of lewd remarks, gestures, and sexual propositions, so she complained to her employer and refused to wear the uniform again. She was eventually fired for noncompliance but won her case in court.

Plaintiffs can also win cases when they demonstrate that the clothing or accessories requirements they were subject to were stricter than requirements for other groups. Like the *Sage* case, almost all examples of these successful cases involve differences between requirements for women and those for men. Two cases illustrate this type of appearance discrimination: *Laffey v. Northwest Airlines* (366 F.Supp. 763, 1973) and *O'Donnell v. Burlington Coat Factory Warehouse* (656 F.Supp. 263, 1987). In *Laffey*, the court struck down an airline's policy that required women flight attendants to wear contact lenses but allowed men to wear glasses. And in *O'Donnell*, the court ruled that allowing male sales clerks to wear shirts and ties while requiring that women in the same position wear "smocks" was discriminatory because it perpetuated sexual stereotypes.

Unsuccessful challenges to clothing or accessories requirements (or prohibitions) are plentiful and take many forms. Many of these decisions, some argue, end up legitimating the very stereotypes and social norms that led to the differential policies in the first place (Bartlett, 1994). The court held in *Lanigan v. Bartlett and Co. Grain* (466 F.Supp. 1388, 1979), for example, that prohibiting women from wearing pantsuits was nondiscriminatory, as the requirement did not interfere with employment opportunities and did not result in unequal burdens or negative consequences for women, as in *Sage*.

Makeup

In 2001 and 2002, three cases (*Jespersen v. Harrah's Operating Co., Inc.*, 444 F.3d 1104, 2006; *Romanello v. Shiseido Cosmetics America Ltd.*, not reported in F.Supp.2d, 2002; and *Scott v. Sulzer Carbomedics, Inc.*, 141 F.Supp.2d 154, 2001) regarding some aspect of women's makeup were heard in federal courts. All three women plaintiffs alleged sex discrimination and all three cases were unsuccessful. A well-known case involving makeup that caught the attention of legal scholars and the media was *Jespersen v. Harrah's*. Jespersen was a bartender at Harrah's casino for over 20 years and received positive reviews for her performance. In 2000, Harrah's instituted a "Beverage Department Image Transformation" program requiring all bartenders to wear a standard uniform, be well groomed, and appealing to the eye. The program included sex-specific requirements: men had to keep short hair and trimmed fingernails and women were required to have their hair styled and to wear makeup daily. Jespersen complied with the appearance policy but for the makeup requirement, arguing that it would conflict with her self-image. She was terminated for noncompliance and subsequently sued Harrah's for gender discrimination under Title VII.

The District Court granted summary judgment for Harrah's, finding that the burdens imposed by the policy were equal and that appearance standards were not impermissible gender stereotyping. This verdict was affirmed in the Ninth Circuit, *en banc*, in a 7-4 vote.

In *Jespersen*, the plaintiff attempted to make a case for sex discrimination following the 1989 Supreme Court case of *Price Waterhouse v. Hopkins* (490 U.S. 228, 1989) which held that an employer may not force employees to conform to gender-based sex stereotypes. Such attempts "can constitute impermissible discrimination 'based on sex' under Title VII" (Pizer, 2007, p. 292). *Price Waterhouse* involved a female employee who was denied promotion because her demeanor and conduct in the workplace was not sufficiently feminine. The Ninth Circuit, however, opted not to expand *Price Waterhouse* by extending gender stereotyping to an employee's gender appropriate attire.

Legal scholars have been critical of the case's outcome on many grounds. For example, Pizer (2007), who represented Jespersen in her appeal, argues that the courts considering a gender-specific rule should inquire into what the actual jobs at issue entail. In Jespersen, Harrah's justified its makeup rule by comparing its casinos to Disneyland. However, as Pizer points out, not all Disney employees are entertainers; similarly, Harrah's casino staff are not performers of any kind. Neglecting such distinctions are dangerous, particularly because customer preferences do not legitimate otherwise discriminatory company policies that might stem from the BFOQ exception. Given the four dissenting votes, some legal analysts have argued that it "is highly probable that this is not the last that employers have seen of this case. It, or one addressing the same issue, will eventually be heard before the Supreme Court" (Robinson, Franklin, Epermanis, & Stowell, 2007, p. 292). Future plaintiffs who challenge grooming policies based on stereotypes need to provide evidence of disproportionate impact by sex. As a *Harvard Law Review* analysis indicates, future plaintiffs should respond by "presenting evidence of economic, physical, and psychological harms to prove that a requirement that women wear makeup imposes an unequal burden based on gender" (Anonymous, 2006, p. 651). Even so, as federal court decisions stands, courts have generally upheld gendered appearance norms such as the *Jespersen* requirement to wear makeup.

Transgender

Federal courts have heard 16 cases involving a transgender plaintiff, the first of which was heard in 1982. In many transgender cases, the failure to conform to gender stereotypes is central, and plaintiffs sued because they

felt they were reprimanded for gender nonconformity. Some allege that their transgender appearance was the reason employers moved them to less visible positions (*Dobre v. National R.R. Passenger Corp. (Amtrak)* 850 F.Supp. 284, 1993), were not hired (*Schroer v. Billington*, 577 F.Supp.2d 293, 2008), or were discharged from their positions (*Holloway v. Arthur Andersen & Co.*, 566 F.2d 659, 1977). From Westlaw reports, 13 plaintiffs were identified as MTF and 3 as FTM. With the exception of two cases that alleged handicap discrimination (*Blackwell v. U.S. Dept. of Treasury*, 656 F.Supp. 713, 1986) and sexual orientation (*Underwood v. Archer Management Services, Inc.*, 857 F.Supp. 96, 1994), all of these cases allege sex or gender discrimination. Although these transgender cases deal with appearance and particularly with appearance nonconformity, there is also a behavioral dimension to these cases. For example, in the sex discrimination case *Etsitty v. Utah Transit Authority* (502 F.3d 1215, 2007), Etsitty, an MTF individual, charged that she was terminated because she was a transsexual and because she failed to conform to their broad expectations of stereotypical male behavior. Indeed, many of these transgender cases involving cross-dressing provide strong evidence of the federal courts' reinforcement of the strict conception of masculine and feminine clothing to be donned by men and women, respectively. The majority (12 of 16 or 75%) of cases involving transgender plaintiffs are unsuccessful. All four successful cases were sex or gender discrimination cases (three MTF plaintiffs, one FTM plaintiff).

Lopez v. River Oaks (542 F.Supp.2d 653, 2008) represents one of only a handful of successful cases filed by transgender plaintiffs. Lopez applied for a job with the defendant, a medical clinic. She interviewed for the position and believed prior to her interview that her potential employer knew she was transgendered, having informed friends who also worked at the medical clinic. On her application, she also indicated her legal name as Raul and an alternate name of Izza. Lopez filed employment discrimination action under Title VII after her prospective employer rescinded a job offer (on the basis of misrepresentation) upon discovery of her transgendered status. In court, the plaintiff successfully established that she did not misrepresent herself on her application and successfully argued a sex-stereotyping claim. In the court's words, "In this case, Lopez has pled, and developed facts in support of, a claim that River Oaks discriminated against her, not because she is transgendered, but because she failed to comport with certain River Oaks employees' notions of how a male should look" (542 F.Supp.2d 660, 2008). Indeed, the court noted that it could not ignore the plain language of Title VII and *Price Waterhouse* which do not distinguish between a transgendered plaintiff who fails to conform to traditional gender stereotypes and an

effeminate man or macho woman. As such, there is no point at which a man becomes *too* effeminate (as say in the case of a transgendered individual) to warrant Title VII protection.

However, successful challenges to gender nonconformity transgender cases are the exception rather than the rule. For example, in *Dobre v. National R.R. Passenger Corp. (Amtrak)* (850 F.Supp. 284, 1993), the plaintiff was hired as a man, but after several months of employment began receiving hormone injections to transition to female. After informing the company, Amtrak responded by requesting Dobre to present a doctor's note in order to dress as a woman, requiring her to dress as a man, denying use of the women's restroom, addressing the plaintiff with a male name only, and transferring Dobre's desk out of public view. Dobre filed a complaint of sex discrimination under Title VII and sex-based and handicap discrimination in violation of state (Pennsylvania) statute. The courts denied the plaintiff's claim, arguing that Title VII does not protect transgendered individuals against discrimination because the term sex refers to anatomical sex, which is different than gender. Thus, through such justifications, courts have failed to acknowledge transgendered individuals' expressions as displayed though various dimensions of appearance such clothing and hairstyles.

CONCLUSION

The formal and informal regulation of employees' appearance is a routine component of organizational life. In this chapter, we analyzed appearance-related employment discrimination lawsuits to examine ways in which organizations create and reinforce stereotypes that are gendered, raced, classed, and sexualized. Our focus on court deliberations and decisions allowed us to explore not only the gendered nature of appearance policies themselves, but also how such policies are supported, reinforced, codified, or, conversely, deemed unacceptable by the legal system. Almost all of the cases we discussed here show that organizations and courts are likely to support appearance norms that reinforce traditional ideas about femininity and masculinity.

Rather than being purely a concern of women, our data show that men and women are equally likely to sue their employers for appearance discrimination, and they were equally likely to file their suit as a sex discrimination claim. Women, however, are almost twice as likely to be successful in their claims, winning 39% of their cases, while men have only

won 21% of their cases. Women's higher success rate is largely attributable to the kinds of cases they have brought (clothing cases and minimum height and weight) and the arguments they have made in justifying their claims. In both kinds of cases, women were likely to be successful when they were able to either demonstrate disparate impact, as in the minimum height and weight cases (not discussed here), in which a seemingly neutral policy regarding height or weight standards disproportionately impacted the ability of one group to successfully meet the standard, or when they were able to demonstrate an undue burden or hardship caused by disparate treatment, as in the clothing cases discussed previously. Men were most likely to sue over policies regarding their hair, and they also argued disparate treatment – they felt it was unfair to allow women to have long hair but not men. Yet they were unable to demonstrate that complying with the organizations' policies would result in an undue burden or hardship, leading to a very low success rate for these cases.

An examination of formal appearance policies and appearance lawsuits such as those discussed here has a great deal to offer gender, sexuality, and organizations scholars. Most sociological studies of appearance in the workplace have focused on individuals' motivations for complying with appearance norms and/or the informal rewards and sanctions associated with conformity or nonconformity (e.g., Dellinger & Williams, 1997; Dozier, 2005; Gimlin, 1996; Kwan & Trautner, 2009; Weitz, 2001). Few studies have examined actual organizational policies regarding employees' appearance or the social and legal consequences of such policies. Studying these formal policies is important for a number of reasons, including what we have shown in this chapter: men and women who refuse to comply with appearance norms face termination of their employment, promotion denials, lower wages, transfers, not being hired in the first place, and other workplace sanctions. We hope that our analyses here will help persuade other gender and organizations scholars to examine appearance policies as another important component of organizational life infused with ideas about femininity, masculinity, and beauty that ultimately lead to inequality, both in the workplace and in society overall.

There is a great deal left to explore in this burgeoning field. Future research should further explore the trends in appearance-related employment discrimination lawsuits that we have begun to outline here, particularly with an eye toward the combinations of factors that produce successful or unsuccessful challenges to appearance regulation. Researchers should also examine the diffusion of appearance policies – and challenges to such policies – among organizations and workers. How do previous

challenges to appearance regulation, for example, affect the future policies that organizations make? In analyses not shown here, we note a rise in appearance discrimination lawsuits in the late 1990s and 2000s, yet this increase remains unexplained. Might the rise be due to an increase in workers' awareness of rights and general empowerment, particularly for disadvantaged or minority groups? Or perhaps there has been a rise in discriminatory policies in work organizations, or some other factors that might contribute to this rise. Ethnographic or trend data could also explore under what conditions men and women are likely to bring suit for appearance discrimination in the workplace. For example, researchers might explore whether there is a relationship between an employee's "token" status (Kanter, 1977) and their propensity to experience appearance policies as discriminatory, and whether tokenism operates differently for men and women in this circumstance.

Many legal scholars have called for appearance to become a protected legal category. Organizational appearance policies, they argue, emphasize standards of beauty which are, at their core, associated with youth, whiteness, heterosexuality, ability, and economic privilege. Thus, such policies compound other group disadvantages, "particularly those based on class, gender, race, ethnicity, disability, and sexual orientation" (Rhode, 2009, p. 1052). Women in particular suffer from formal and informal appearance norms, as they not only face penalties for being too attractive as well as for being too unattractive, but most appearance norms also dictate that they spend inordinate (or at least unequal) amounts of time, money, effort, and energy to their appearance, whether they conform to conventional standards of beauty or not. Moreover, appearance standards that are gendered or sexualized, scholars argue, reinforce stereotypes and inequalities based on gender (see Bartlett, 1994; Rhode, 2009). Likewise, white and Protestant appearance standards obscure, and sometimes eliminate, cultural and ethnic diversity as well as individual expression. Such legal changes may be an important step in safeguarding workers and protecting workplaces from charges of discriminatory practices.

NOTES

1. We performed two separate searches. One search gave us all the cases that fell under Westlaw's 78k1177 category (this code translates into: "Civil Rights – Employment Practices – Personal appearance; hair and grooming"). The second search asked for cases that fell into "Civil Rights – Employment Practices" other

than the "Personal appearance" category that used at least one of our search terms in the synopsis or digest fields. We used these fields in order to only obtain cases in which our search terms were significant. The synopsis refers to the summary paragraph written by Westlaw that appears at the beginning of each case, and digest refers to the headnotes and topics in the case. Our search terms were as follows: (obes! overweight fat height hair! beard "facial hair" groom! make-up "make up" teeth smile cloth! dress! "dress code" sexy feminin! masculin! "younger looking" skin tattoo! jewel! "physical appearance" "personal appearance" beaut! ugly! unattractive! cosmetic! "head covering" garb "weight requirement" earring "sex stereotype" "gender stereotype" "weight discrimination" moustache "body piercing!" eyeglass! pretty transsex! dreadlocks). An exclamation point at the end of a word (or partial word) asks Westlaw to return results that use any ending/form of that word. A phrase in quotation marks asks Westlaw to search for the exact phrase.

2. We removed an additional 51 search terms from our query, as they (a) yielded no results; (b) yielded mostly unrelated results; or (c) yielded results that were entirely duplicated using other search terms. These 51 search terms were accessor! breast kufi skinny afro "breast size" lingerie skirt! alopecia burqa "masculine stereotype" tall appearance chadri necklace thin bald fashion "older looking" thong bindi fashionable "panty lines" tooth birthmark "feminine stereotype" "personal hygiene" veil body flamboyant "physical characteristics" weight "body art" "garb law" Rastafarian wig "body shape" "gender dysphoria" sari wrinkl! "body size" "gender norms" sexi! yamika "body weight" "head scarf" shawl younger braids hijab short.

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GENDER VARIANCE IN THE FORTUNE 500: THE INCLUSION OF GENDER IDENTITY AND EXPRESSION IN NONDISCRIMINATION CORPORATE POLICY

Christin L. Munsch and C. Elizabeth Hirsh

ABSTRACT

Despite the absence of federal legislation prohibiting discrimination on the basis of gender identity and expression, many companies have adopted such policies in recent years. We examine the impact of several contextual factors thought to influence gender identity and expression nondiscrimination policy adoption among Fortune 500 firms from 1997 to 2007. Our findings suggest that city and state laws likely influence policy adoption, as do federal case rulings regarding gender nonconformity and the adoption of similar policies by companies in the same industry. We found little evidence that companies respond to state or city executive orders or to media coverage of gender identity issues in the workplace.

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In early January 2010, the Obama administration added language to the federal jobs website explicitly banning discrimination based on gender identity (Knowlton, 2010). That same month Amanda Simpson was appointed to the Department of Commerce as a senior technical advisor (Garcia, 2010). Simpson is believed to be the first openly transgender presidential appointee to the federal government. Currently, there is no federal law prohibiting discrimination on the basis of gender identity or gender expression in public or private employment, although legislation has been proposed. The Employment Non-Discrimination Act (ENDA) has been introduced in every Congress, except the 109th, since 1994, but has only included gender identity and expression since 2007.[1] The passage of ENDA would prohibit public and private employers, employment agencies, and labor unions from using an individual's sexual orientation or gender identity as the basis for employment decisions, such as hiring, firing, promotion or compensation.[2] However, ENDA is unlikely to be passed in the near future without the concerted effort of Lesbian, Gay, Bisexual and Transgender (LGBT) organizations and lobbyists, and such an effort has proven challenging in the past (Greenesmith, 2010). In the absence of a federal mandate, some states and municipalities have enacted laws applying to their jurisdictions; however, such protection is scant. As of 2009, 12 states[3] and the District of Columbia (HRC, 2010a), as well as 129 cities or counties, had gender identity nondiscrimination ordinances (HRC, 2010b). An additional 6 states have an executive order, administrative order, or personnel regulation prohibiting discrimination against public employees based on gender identity (HRC, 2010a).[4]

Despite limited legal protection from discrimination on the basis of gender identity in employment, a number of companies have chosen to include gender identity or expression in their nondiscrimination policies. As of 2009, 207 (41%) of the Fortune 500 had such policies in place (HRC, 2010c). Yet, just 10 years earlier, only two companies had such a policy. In the absence of a federal mandate, and with only a few state and local directives, why have so many Fortune 500 companies adopted these policies and how has it happened so quickly, especially in a context of uneven political support?

This chapter chronicles the adoption of gender identity policies in Fortune 500 companies from 1997 to 2007. Our aim is to understand how workplaces come to include gender identity and expression in their nondiscrimination policies. Based on previous research, we identify a host of contextual conditions that give rise to workplace policy implementation. These include the passage of state and municipal laws; state and municipal

executive orders; legal cases related to gender nonconformity and employment discrimination; media coverage of policy-related events; and other companies in the same industry adopting similar policies, a process referred to as "mimetic isomorphism" (DiMaggio & Powell, 1991). We examine the impact of each of these conditions on the adoption of gender identity or expression nondiscrimination policies in the 2007 Fortune 500 companies.

WHO IS PROTECTED BY GENDER IDENTITY AND EXPRESSION POLICIES?

Social scientists use the term "gender identity" to refer to the internal sense of one's gendered self (e.g., girl, boy, woman, man, androgynous person). "Gender" and "gender expression," on the other hand, refer to external characteristics and behaviors associated with men and women (e.g., behavior, clothing, hairstyle, voice). In legal and political discourse, the terms "gender identity" and "gender identity and/or expression" have been used as umbrella terms to refer to issues of gender variance. The terms often get mistakenly interpreted as specifically referring to transgender persons; however, in actuality gender identity and expression nondiscrimination policies protect a variety of gender displays. For example, these policies protect anyone whose gender display is not necessarily congruent with biological sex, including "effeminate" men, "butch" women, individuals who cross-dress inside or outside of the workplace, and female-to-males (FTMs) and male-to-females (MTFs) regardless of transition status.

WHY PROTECTION ON THE BASIS OF GENDER IDENTITY?

If gender identity and expression issues are really issues of gender variance, why do we need nondiscrimination policies? Title VII of the Civil Rights Act of 1964 prohibits employment discrimination because of race, color, religion, sex, or national origin. Historically, courts strictly interpreted "sex" to mean biological sex, as opposed to gender, gender identity, or gender expression (De Vos, 2009). However, in 1989, the seminal case of *Hopkins v. Price Waterhouse* (1989) seemed to create a mechanism of recourse for gender-variant people who were the target of employment discrimination. Anne Hopkins was a senior manager at the accounting firm,

Price Waterhouse, when she was proposed for partnership in 1982. However, despite Hopkins' ability and record of securing major contracts, she was criticized for being too abrasive and masculine. Hopkins' candidacy was held for reconsideration until the following year; however, when the partners in her office did not repropose her for partnership the following year, Hopkins sued under Title VII alleging discrimination based on sex. The U.S. Supreme Court decided in favor of Hopkins, and ruled that sex stereotyping (holding a member of one sex up to the stereotypical social standards of that gender) is impermissible under Title VII. The case set a precedent by which discrimination against gender-variant employees – particularly women who adopt stereotypically masculine characteristics – could be seen as discrimination against a biological man/woman who does not conform to socially defined gender norms (De Vos, 2009; Turner, 2007).

This case has been inconsistently interpreted, however. The Sixth Circuit Court of Appeals ruled discrimination against transgender workers to be a form of sex stereotyping and thus prohibited under Title VII (*Smith v. City of Salem*, 2004; *Barnes v. City of Cincinnati*, 2005). In other words, the court found that discrimination against transgender workers was discrimination against a biological man or biological woman who failed to conform to conventional gender norms. Yet, two years after *Barnes v. City of Cincinnati*, the Tenth Circuit ruled that Title VII did not protect transgender employees (*Etsitty v. Utah Transit Authority*, 2007). In short, protection against gender identity and expression discrimination has been unevenly granted under Title VII.

Moreover, an increasing number of people do not exclusively identify as men or women. Rather, some people are choosing to adopt gender identities such as "gender queer," "androgyne" or "transgender." These presentations of gender might be solidly masculine, solidly feminine, androgynous, or varying. Title VII offers no protection for individuals who do not identify with either gender or whose gender identity or expression is in flux.

Lastly, without the federal law explicitly prohibiting employment discrimination on the basis of gender identity and expression, defendant employers may still discriminate against transgender workers, and claim that they do so on the basis of an employee's transgender status as opposed to sex. If federal gender identity and expression nondiscrimination legislation was passed, Title VII would not be subject to disparate interpretation and transgender employees would be protected against sex discrimination *and* transgender discrimination. Perhaps most importantly, the legislation would be the first of its kind to actually challenge the existence of a binary sex system (Flynn, 2001).

Given this context of legal uncertainty, it is not surprising that some companies have chosen to adopt gender identity nondiscrimination policies. What is surprising, however, is the large number of high-profile corporations that have adopted such policies, particularly in the past 10 years, and in the absence of a federal mandate or widespread support for such policies.

EXPLAINING CORPORATE POLICY ADOPTION

Considerable research, both theoretical and empirical, has examined the adoption and diffusion of corporate policies, especially fair employment practices. In this section, we chronicle the relevant literature, discussing the potential impact of three factors – legal pressures, press coverage, and interorganizational diffusion processes – on the adoption of gender identity and expression policies. In short, we argue that an uncertain legal landscape, heightened attention to gender identity discrimination, and concerns of organizational legitimacy can lead companies to adopt gender identity nondiscrimination policies, even without a federal mandate.

Legal Pressures

The passage of Title VII of the Civil Rights Act of 1964 initiated the elaboration of personnel systems across corporate America. As well-documented by institutional scholars, in the wake of Title VII, firms adopted a variety of antidiscrimination and diversity-oriented personnel policies – including equal employment opportunity (EEO) policies, grievance procedures, affirmative action plans, and family leave policies – in an effort to demonstrate compliance with the new law (Edelman, 1990, 1992; Dobbin, Sutton, Meyer, & Scott, 1993; Sutton & Dobbin, 1996). While Title VII outlawed employment discrimination on basis of the sex, race, color, national origin, and religion, it did not explicitly define discrimination nor instruct employers as to how to avoid it. This vague policy mandate left it up to employers to define what constituted compliance and implement procedures accordingly. Human resource (HR) professionals took up the charge, drafting new procedures and calling for personnel overhauls both to minimize discriminatory practices and to provide a procedural record of doing so in the event of a lawsuit (Dobbin, 2009; Sutton & Dobbin, 1996). The courts were largely responsive players, affirming or rejecting corporate interpretation of the law when employees brought suits.

Thus, the ambiguity of the law, coupled with the threat of lawsuits (Edelman, Abraham, & Erlanger, 1992) spawned the adoption and diffusion of the legalistic personnel model and many common diversity-oriented practices.

For gender identity nondiscrimination policies, a similar process of organizational response to legal ambiguity may be at play. Without a federal mandate prohibiting gender identity and expression discrimination, the presence of state and local prohibitions as well as evolving case law create an air of uncertainty regarding the legality of gender identity and expression discrimination.

State and Local Law

As noted earlier, through legislation or executive orders, a number of states and municipalities provide workers with legal protection against gender identity and expression discrimination. Companies headquartered in such areas certainly face more legal pressure to expand their nondiscrimination policies to include gender identity and expression as compared to companies that are not subject to local laws. Indeed, previous research shows that without federal mandates, state law could be an important factor in predicting corporate policy adoption. For instance, in their study of corporate adoption of maternity leave policies, Kelly and Dobbin (1999, p. 483) show that firms in California, following a 1978 amendment to the state Fair Employment and Housing Act that required employers with 15 or more employees to offer maternity leaves, were quicker to adopt leave policies as compared to firms located elsewhere. Corporations located in states or municipalities with prohibitions against gender identity discrimination experience a lack of correspondence between federal and local law. This may amplify confusion about what is permissible under sex discrimination law and standards of legal liability. Uncertain about the legal landscape and what is required of them, employers may expand their nondiscrimination policies in an effort to clarify in-house policies.

Case Law

Litigation and case law may also prompt companies to adopt gender identity and expression nondiscrimination policies by making the threat of legal sanctions tangible. Economic theories of the law highlight the threat of sanctions as the key motivating factor in legal compliance and organizational response (Cooter & Ulen, 1996; North, 1990; Posner, 1997). In short, employers modify policies and practices in proportion to the perceived risk of sanctions. Thus, if gender identity discrimination is penalized, through legal fines or court battles, employers should modify their practices as to minimize the threat of lawsuits and sanctions. Moreover, litigation draws

attention to the evolving nature of Title VII and the uncertain future of gender identity under the law. While *Hopkins* expanded the definition of sex discrimination under Title VII to recognize the deleterious impact of gendered norms, the courts have not uniformly endorsed a broad construction of sex discrimination in the years since.[5] Taken together, the threat of sanctions and confusion over whether employers can be held liable for gender identity discrimination may lead organizations to adopt nondiscrimination policies as a litigation prevention and liability avoidance strategy. Consistent with this logic, researchers have found litigation in federal courts to be an important predictor of policy elaboration and fair employment practices. For instance, Guthrie and Roth (1999) found that employers in liberal court circuits were more likely to offer paid maternity leave policies; Skaggs (2008) found that companies located in circuits with a history of EEO-favorable rulings were more likely to increase the representation of women in management following litigation; and Raeburn (2004, p. 124) reported that, in discussion with HR professionals regarding their companies' adoption of same-sex partner benefits, many commented on recent court activity as a motivating factor.

Press Coverage

Press attention to gender identity discrimination can increase the salience of such policies on the corporate landscape. Press coverage obviously draws corporate attention to the issue. But what is more, publicity, especially that which is negative, can serve as a deterrent for discrimination. In an effort to avoid negative media coverage and blows to the corporate image, employers may adopt policies to minimize gender identity discrimination and maintain good standing in the public eye.

Press coverage can also mediate the impact of the law on organizational decision making. Even suits that challenge the legal validity of gender identity discrimination draw media attention and convey the tenuous nature of gender identity under the law. As one HR professional in Raeburn's (2004, pp. 123–124) study of lesbian and gay workplace rights explained, "They [employees] could sue us, and we're concerned with publicity. .... We don't want the world to say we did not do this for gay and lesbian employees. We realize that bad press affects the bottom line." Similarly, Kelly and Dobbin (1999, pp. 464–467) argue that in adopting maternity leave policies, employers responded primarily to the publicity surrounding new federal regulations and the possibility of litigation rather than the actual risk of getting sued.

Diffusion Processes

Finally, as institutional theorists point out, organizations often adopt policies in order to signal a commitment to normative values, such as equity or fairness (Edelman & Suchman, 1997; Suchman, 1997), rather than out of an instrumental calculation of the risk of sanctions or bad press. Doing so ensures their legitimacy both in the eyes of the law and among peer institutions. This quest for legitimacy can lead organizations to resemble one another in structure and policies as they respond to similar external forces and develop shared belief systems, corporate cultures, and policies. DiMaggio and Powell (1991) coined this process as "mimetic isomorphism" and organizational sociologists have empirically documented the diffusion of corporate policies across organizational fields. Early adopters of new policies serve as models for future adopters and, as a procedure or practice diffuses throughout an organizational community, adoption is seen as appropriate and legitimate (Tolbert & Zucker, 1983).

The diffusion of policies across organizations occurs more readily when organizations are well connected and already share forms and functions, such as those belonging to similar industrial sectors. In addition, research shows that organizations are especially cognizant of their competitors' policies (Morgan & Milliken, 1993) and fear falling out of step – at least procedurally – with their field. In a study of adoption of work–family policies, Goodstein (1994) linked the adoption of work–family policies to levels of previous policy adoption by firms in the same industry. In keeping with this study, policy adoption of gender identity nondiscrimination policies may occur more readily among firms whose industry competitors have recently adopted such programs.

In sum, we suggest that the apparent voluntary adoption of gender identity and expression nondiscrimination policies was brought forth, at least in part, by legal pressures, including state and local laws as well as litigation, press coverage, and diffusion across industrial sectors. Using data from Fortune 500 firms, we next assess the relationship between these factors and corporate adoption of gender identity and expression policies.

DATA COLLECTION AND METHODS

Our sample consists of the 2007 Fortune 500 companies. Using the Human Rights Campaign's searchable database (HRC, 2010d), we obtained information regarding whether the company includes gender identity or

expression in their nondiscrimination policy. If the company does have a gender identity nondiscrimination policy, we noted the year of policy adoption. This database also provided us with the city and state in which each company was headquartered.

We were interested in the effect of state legislation, city or county legislation, state and city executive orders, U.S. Circuit Court decisions, press coverage, and industry on the adoption of gender identity or expression nondiscrimination policies in the Fortune 500. In order to analyze the impact of city and state legislation on company policy, we collected information at the state and city levels regarding whether it is illegal to discriminate on the basis of gender identity and expression. We obtained this information, as well as the year each law was passed, from the Transgender Law and Policy Institute (TLPI, 2010). We then matched the city and state data to the cities and states in which the Fortune 500 companies were headquartered.

In addition to state and city laws, an additional 6 states and 129 cities have an executive order, administrative order, or personnel regulation that applies to public employees only. We gathered this information from the Human Rights Campaign (HRC, 2010a) and their searchable database (HRC, 2010d). Again, we matched these data to the cities and states of companies' headquarters.

Next, in order to assess the impact of federal case law on policy adoption, we matched the states in which the companies were headquartered to their judicial circuit. We then compiled a comprehensive list of all U.S. Circuit Court of Appeal cases pertaining to discrimination on the basis of gender nonconformity and/or transgender status between 1997 and 2007. We located 20 rulings by the U.S. Circuit Courts. These cases had to do with discrimination, harassment, or sex stereotyping in employment. We did not include cases in which a patron, customer, or client was discriminated against, nor did we include cases involving students. Given the difficulty of classifying case outcomes as favorable or unfavorable for the plaintiff (Burstein & Monaghan, 1986; Hirsh, 2008), we did not discern between favorable and unfavorable rulings. However, to the objective observer, the majority of cases ruled in favor of the employee. In some cases, the outcome was both favorable and unfavorable for the employee (e.g., transgender harassment was seen as harassment based on gender nonconformity and thus illegal, but the plaintiff failed to provide enough evidence of harassment). Thus, consistent with previous research examining antidiscrimination policy adoption (see Kelly & Dobbin, 1999), our primary focus is the legal challenge itself rather than the outcome. We matched information

on activity in each company's judicial circuit, as well as the year, to the company data.

In order to assess the impact of state and municipality legislation, state and municipality executive orders, and U.S. Circuit Court decisions on the adoption of gender identity nondiscrimination policies, we calculated the number of companies that adopted company policies in the same year or the year after, our factor of interest. For example, to assess the relationship between state legislation and policy adoption, we counted the number of companies located within a state with a gender identity nondiscrimination law that adopted a company nondiscrimination policy in the same year that the state passed the law, or in the following year. This number was then compared to the total number of companies to adopt that year and the total number of companies located in that state.

To assess the relationship between policy adoption and press coverage, we used LexisNexis to compile a list of all *New York Times* articles between the years 1991 and 2007 that contained the words "work" or "employment" and some form of the words "gender identity," "gender expression," or "trans." The first author then read each of these articles and retained all articles that were explicitly about gender identity issues in the workplace and organized these by year. Articles that were not relevant were discarded. For articles tangentially related to issues of gender identity in the workplace, the second author was consulted, and together we decided whether to include it. This search yielded a total of 49 articles related to gender identity and the workplace between the years 1997 and 2007.

Finally, for each of the Fortune 500 companies, we identified the relevant industry using North American Industry Codes (NAIC). The NAIC employs a six-digit code to classify business establishments according to type of economic activity. The first two digits designate the largest business sector. We classified each company according to these first two digits, although several similar industries were combined, yielding a total of 12 possible industries in our final dataset.

FINDINGS

Fig. 1 documents the number of gender identity and expression non-discrimination policies adopted per year, from 1997 to 2007, in the 2007 Fortune 500 companies. The figure shows a period of slow adoption from 1997 to 2003, with only 21, or 4.2%, of the companies adopting such a policy during this seven-year span. The period from 2004 to 2007, on the

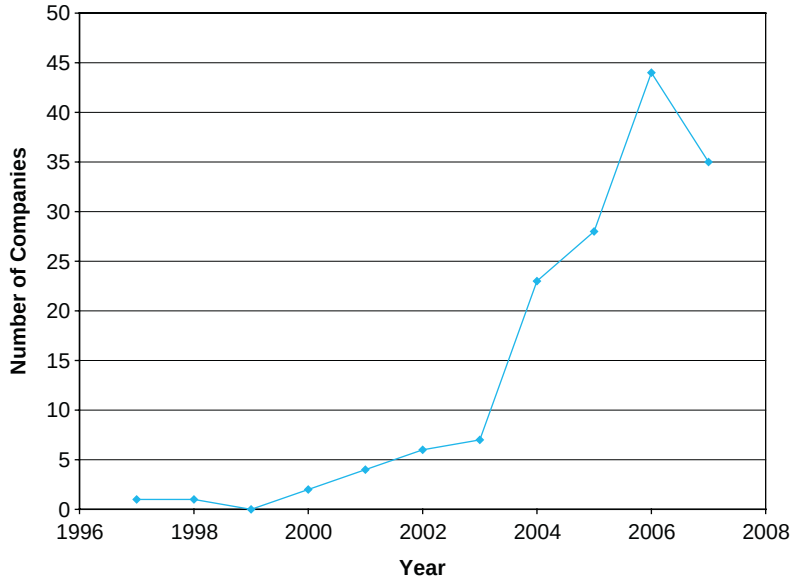

Fig. 1. Number of Fortune 500 Companies Adopting Gender Identity Nondiscrimination Policies.

other hand, marks a time of much more rapid policy adoption with 23 companies (4.6%) adopting such policies in 2004. An additional 28 companies (5.6%) adopted nondiscrimination policies in 2005, 44 more (8.8%) in 2006, and 35 more (7.0%) in 2007. It is possible that 2007 marks the beginning of a decline in gender identity nondiscrimination policy adoption, but we do not have data after 2007 to indicate whether this is a trend. In all, only 13.9% of companies with a gender identity or expression nondiscrimination policy adopted the policy before 2004, whereas the remaining 87.1% adopted their policies in 2004 or later.

The Impact of State and Local Law on Policy Adoption

In order to assess the impact of city and state laws on policy adoption, we documented the number of companies with gender identity nondiscrimination policies by year and by state. For each state with a gender identity or expression nondiscrimination law, we noted the year the law was passed. We then looked to see how many companies located within those states

passed a nondiscrimination policy either in the same year or the year after the state law was passed. We did the same thing for each city with a gender identity nondiscrimination law. The results of this analysis are presented in Table 1.

Table 1 reveals several trends. First, prior to 2003 no company adopted a gender identity or expression nondiscrimination policy within one

Table 1. Adoption and Spread of Gender Identity and Expression Policies in Fortune 500 Policies: Organizational Adoption by Year and Response to a State or City Law.

Year	States Passing Gender Identity and Expression Nondiscrimination Laws	Number of Companies to Adopt	Number of Companies Adopting within 1 Year of State or City Law	Number of Companies Adopting within 1 Year of State Law by State
Pre-1997	Minnesota (1993)	–	–	–
1997		1	–	–
1998		–	–	–
1999		1	–	–
2000		2	State = 0 (0%) City = 1 (50.0%)	–
2001	Rhode Island	4	–	–
2002		6	State = 0 (0%) City = 2 (33.3%)	–
2003	California New Mexico	7	State = 1 (14.3%) City = 2 (28.6%)	California (1)
2004		23	State = 6 (26.1%) City = 0 (0%)	California (6)
2005	Hawaii Illinois Maine Washington, DC	28	State = 4 (14.3%) City = 1 (3.6%)	Illinois (4)
2006	New Jersey Washington	44	State = 7 (15.9%) City = 1 (2.3%)	Illinois (2) New Jersey (4) Washington (1)
2007	Colorado Iowa Oregon Vermont	35	State = 4 (11.4%) City = 0 (0%)	New Jersey (2) Iowa (1) Washington (1)
Total		151	State = 22 (14.6%) City = 7 (4.6%)	

year of the passage of a state nondiscrimination law. This is not surprising given that only two states had such laws prior to 2002. As a result, only two of the companies in our dataset could have adopted a gender identity nondiscrimination policy within one year of a state law. However, in 2003, California (and New Mexico, although no Fortune 500 companies are headquartered in New Mexico) passed a law prohibiting discrimination on the basis of gender identity or expression. Of the 52 companies headquartered in California, only 1 passed a nondiscrimination policy in 2003. However, it is reasonable to expect that policy adoption, even if it is in direct response to a state law, might take some time to develop and implement. Even though no states passed a nondiscrimination law in 2004, of the 23 companies to pass a nondiscrimination policy, 6 (26.1%) were located in California, one year after the California state law prohibiting gender identity and expression discrimination in employment. Seven of 52 (13.5%) companies headquartered in California passed a gender identity or expression policy within one year of California's state law prohibiting discrimination on the basis of gender identity.

Because no states passed a law in 2004, there was a slight dip in the number of companies to adopt a gender identity and expression policy in response to a gender identity and expression law in 2005. In 2005, four companies, or 14.3% of the companies to adopt in 2005, were located in Illinois, which outlawed gender identity discrimination that year. In 2006, 2 more companies located in Illinois passed such policies, meaning that of the 33 companies headquartered in Illinois, 18.2%, adopted their policies within one year of the passage of a law criminalizing employment discrimination on the basis of gender identity. Hawaii, Maine, and Washington DC also outlawed gender identity and expression discrimination in 2005; however, of companies headquartered in these states (one in Maine, two in Washington DC), none adopted the policies.

In 2006, New Jersey and Washington also outlawed discrimination on the basis of gender identity or expression, and five companies headquartered in one of these two states (two in New Jersey and three in Washington) adopted within the year. Three more companies (two in New Jersey and one in Washington) followed suit in 2007. A total of 34 companies are headquartered in New Jersey or Washington (24 in New Jersey, 10 in Washington). Of these, 23.5% adopted their policies within one year of a state law. In 2007, Colorado (12 companies), Iowa (1 company), Oregon (1 company), and Vermont criminalized gender identity and expression discrimination. Only one company, in Iowa, passed a gender identity

nondiscrimination policy this year. It is possible that more followed suit in 2008, although we do not have these data.

Overall, there is some evidence that companies respond to state law. Of the 151 companies that added gender identity or expression to their nondiscrimination policies between 1997 and 2007, 22 (14.6%) did so within one year of the passage of a state law prohibiting gender identity discrimination in the state in which they were headquartered. These 22 companies make up 13.9% of the 158 companies headquartered in a state with a gender identity or expression nondiscrimination law or the companies that could have passed a policy in response to a state law.

There is also reason to believe that some policy adopters included gender identity in their nondiscrimination policies because they are located in a municipality that outlawed gender identity employment discrimination. Looking at companies headquartered within these municipalities, we again calculated the number and percent of companies that adopted a policy within one year of the municipality law. We found 5 of the 21 companies, prior to 2004 (the "early adopters"), passed a policy in the same year as their municipality or in the following year. In the late adoption period, only two companies did so, one in 2005 and one in 2006. At first glance, it appears that few companies passed gender identity and expression policies in response to city or county legislation. However, few companies overall passed gender identity and expression policies during the early adoption period (before 2003). Thus, the fact that five, or 23.8%, of the early adopters did pass within one year of a city or county law is quite remarkable. It seems that for early adopters, city regulations might influence policy adoption, but not for later adopters.

The analysis in Table 1 does not include those states, cities, and counties that prohibit discrimination on the basis of gender identity for public employees. In other words, although a particular locale does not criminalize gender identity discrimination, it may have an executive order, administrative order, or personnel regulation that protects public employees from discrimination on the basis of gender identity or expression. These orders might serve a symbolic purpose, signaling regional values and ideals to companies located within their jurisdiction. Therefore, we performed a similar analysis (not shown) looking to see if any of the companies passed gender identity and expression policies within one year of their state or city administering an executive order. We found evidence of three companies including a gender identity and expression policy within one year of a state executive order – one in Indiana, which passed an executive order in 2004, and two in Ohio, which passed an executive order in 2007. That is, of 82 companies headquartered in 1 of these 6 states, only 3 (3.7%) implemented a gender identity or expression

nondiscrimination policy within one year of a state executive order banning gender identity discrimination in public employment.

We also examined the response to city executive orders. We found virtually no evidence of companies including gender identity or expression in their nondiscrimination policy in response to a city executive order. One company may have responded to such an order. Six more companies did adopt a gender identity nondiscrimination policy within one year of a city executive order; however, in these cases the city executive order was enacted the same year that gender identity and expression was made illegal in that municipality. It is therefore impossible to discern which factor lead to the passage of these policies, although it is more likely that companies respond to city law as opposed to city executive orders. It is also likely that the combination of a city law and a city executive order served to increase awareness around the issue of gender identity discrimination and increased the likelihood of policy adoption.

The Impact of Circuit Court Cases

Because avoiding litigation is a motivating factor for many companies, we also examined the impact of U.S. Circuit Court cases involving employment discrimination on the basis of gender nonconformity on policy adoption in the Fortune 500. We located 20 rulings by one of the U.S. Circuit Courts of Appeal. For each company in the dataset, we located the judicial circuit in which it was headquartered and then matched the cases and the companies by circuit and year. We then looked to see which companies passed a gender identity or expression nondiscrimination policy within one year of a federal U.S. Circuit Court ruling in their Circuit. The results of this analysis are in Table 2.

Prior to 2001, we located six federal circuit court decisions; however, no companies located in these circuits adopted a gender identity nondiscrimination policy within a year of one of these cases. In 2001, there were two cases involving employment discrimination on the basis of gender nonconformity: one in the 2nd circuit and one in the 9th circuit. Of the 68 companies headquartered in the 2nd judicial circuit, 4 (5.8%) adopted a gender identity nondiscrimination policy in 2001 or 2002. Of the 71 companies located in the 9th circuit, 3 (4.2%) adopted a gender identity nondiscrimination policy in 2001 or 2002. In 2003, 4 (2.2%) additional companies passed gender identity nondiscrimination policies and were located in a circuit that had a federal case in the past year (either of circuits 2, 7, or 9). In summary, from

Table 2. Adoption and Spread of Gender Identity and Expression Policies in Fortune 500 Policies: Organizational Adoption by Year and Response to a Federal Circuit Court Decision.

Year	Number of Federal Circuit Court Cases Addressing Gender Nonconformity and/or Transgender Employment Discrimination	Number of Companies to Adopt	Number of Companies Adopting within 1 Year of Federal Decision by Judicial Circuit
1997	1	1	–
1998	–	–	–
1999	2	1	–
2000	3	2	–
2001	2	4	2 (Circuit 2) 1 (Circuit 9) Total = 3 (75%)
2002	1	6	2 (Circuit 9) Total = 2 (33.3%)
2003	2	7	2 (Circuit 2) 1 (Circuit 7) 1 (Circuit 9) Total = 4 (57%)
2004	2	23	6 (Circuit 2) 4 (Circuit 6) Total = 10 (43.5%)
2005	3	28	4 (Circuit 2) 1 (Circuit 6) Total = 5 (17.9%)
2006	3	44	7 (Circuit 2) 2 (Circuit 6) 13 (Circuit 9) Total = 22 (50%)
2007	1	35	5 (Circuit 2) 2 (Circuit 6) 5 (Circuit 9) Total = 12 (34.3%)
Total		151	58 (38.4%)

2001 to 2003, there were five relevant U.S. Circuit cases pertaining to employment discrimination on the basis of gender nonconformity, and 9 companies (4.8%) of 186 located within one of these districts passed a gender identity policy that was potentially in response to one of these cases.

However, it is important to note that this was still a period of early adoption. Only 21 of the Fortune 500 companies adopted such policies in this early adoption period; 9 of these (42.8%) did so within one year of a federal case.

During the period of more rapid policy adoption, between 2004 and 2007, we also found some evidence of companies responding to U.S. Circuit Court rulings. In 2004, 180 companies were headquartered in circuits that ruled on a gender nonconformity employment discrimination case within the past year. Of these, 10 (5.6%) adopted gender identity nondiscrimination policies, or 43.5% of the 23 policy adopters that year. In 2005, an additional 28 companies adopted gender identity policies, 5 (17.9%) of which were located in circuits that ruled on relevant cases within the past year. These 5 constitute 3.3% of all of the 151 companies headquartered in one these circuits. In 2006, 44 Fortune 500 companies adopted such policies and 22 (50%) were located in a circuit that ruled on a gender nonconformity employment discrimination case in the past year. These 22 companies constitute 9.9% of all of the 222 companies headquartered in one of these circuits that could have potentially passed a gender identity or expression policy in response to a federal ruling. In 2007, of the 35 policy adopters, 12 (34.3%) were located in circuits with gender nonconformity employment discrimination cases in the past year, and these 12 made up 5.4% of the 222 companies that could have passed such a policy in response to a circuit ruling.

The analysis indicates the importance of circuit court rulings on policy implementation. Of the 2007 Fortune 500 companies, 58 (11.6%) added gender identity or expression to their nondiscrimination statement in the year or in the year following, a federal ruling addressing discrimination on the basis of gender nonconformity in their circuit. Of the 158 companies that adopted gender identity nondiscrimination policies between 1997 and 2007, 38.4% potentially did so in response to a gender nonconformity employment discrimination case. This constitutes 15.5% of the 373 companies located in a circuit with a gender nonconformity employment discrimination case between 1997 and 2007. For early adopters (1997–2003), 9 (3.1%) of 290 potential adopters added protection on the basis of gender identity to their nondiscrimination policies within one year of the case ruling, and for late adopters, 48 (21.6%) of the 222 potential adopters did so within one year of the case ruling. It seems as though federal circuit court legislation matters more during the late adoption period than in the early adoption period.

It is also worth noting that companies in some circuits seem more likely to adopt a gender identity or expression policy on the heels of a gender identity employment discrimination case than others. For example, of the

68 companies located in circuit 2, 25 (or 36.8%) passed a policy in response to a ruling. (Circuit 2 had five such cases, more cases than any other circuit.) Circuit 9 had 4 cases, and 22 (31%) of the 71 companies located there adopted a policy within one year of a decision. Circuit 10, with 2 cases, had 5 companies (27.8%) of the 18 headquartered in that circuit adopt a gender identity nondiscrimination policy; and Circuit 6, with 3 cases, had 9 companies (or 13.8%) of the 65 companies headquartered in that circuit pass a policy. Circuit 7, on the other hand, had 3 cases, and only 1 policy adopter, even though 47 companies are located in this circuit. Districts 1, 3, and 8 each had one case, and no policy adopters. Such discrepancies may have to do with the amount of media attention each case received, and whether companies felt compelled to add gender identity or expression to their nondiscrimination policies in light of court rulings.

The Impact of Media Coverage

Although there is good reason to believe that Fortune 500 companies might respond to state and city legislation, state and city executive orders, and circuit court cases, companies cannot respond to such things if they do not get wind of them. We were interested in the relationship between media coverage and gender identity nondiscrimination policy adoption. We have mapped below the number of articles in the *New York Times* with gender identity and expression in the workplace per year, as well as the number of companies adopting gender identity and expression nondiscrimination policies per year in the Fortune 500 companies (Fig. 2).

There is little evidence of a relationship between media coverage and policy adoption. In 2003, there was a sharp increase in the number of companies adopting gender identity and expression nondiscrimination policies. However, reporting of gender identity and/or transgender issues in employment actually decreased in 2003, with the *New York Times* covering only three such stories that year, and only two stories in 2004.

The Impact of Industry

The 12 industries represented in our dataset are as follows: manufacturing (144 companies); wholesale and retail sales (94 companies); finance, insurance, and real estate (83 companies); utilities and transportation (50 companies); information (34 companies); agriculture and mining (19 companies);

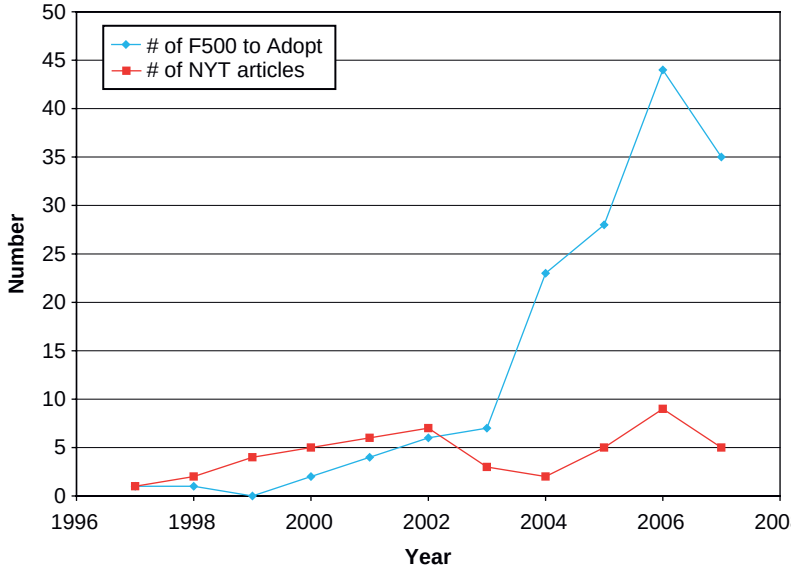

Fig. 2. Number of Fortune 500 Companies Adopting Gender Identity Nondiscrimination Policies and Number of *New York Times* Articles by Year.

administrative and support (18 companies); professional, scientific, and technical (14 companies); management (14 companies); healthcare and social service (12 companies); construction (11 companies); and accommodation, food, and other services (7 companies).

Of the Fortune 500, those most likely to have adopted a gender identity nondiscrimination policy by 2007 were in finance, insurance, and real estate (47.0%) and in accommodation, food, and other services (42.9%). Manufacturing companies (31.3%) and information companies (29.4%) were the next most likely to adopt the policy, followed by agriculture and mining (26.3%) and wholesale and retail sales (25.5%).

In contrast, the health and social services industries (16.7%) and the administrative and support industries (16.7%) were the least likely to have gender identity and expression nondiscrimination policies in place, followed by companies in the construction industry (18.2%).

A closer look at the number of adopters by industry (Table 3) reveals some interesting trends. For the three largest industries (manufacturing; wholesale and retail sales; finance, insurance, and real estate), there is clear evidence of what DiMaggio and Powell (1991) call "mimetic isomorphism."

Table 3. Adoption and Spread of Gender Identity and Expression Nondiscrimination Policies in the Fortune 500: Policy Adoption by Year and Industry.

Year	Number of Companies to Adopt	Number of Companies Adopting by Industry
Pre-1997	–	–
1997	1	1 (Manufacturing)
1998	–	–
1999	1	1 (Wholesale and retail sales)
2000	2	1 (Information) 1 (Manufacturing)
2001	4	1 (Finance, insurance, and real estate) 1 (Manufacturing) 2 (Wholesale and retail sales)
2002	6	1 (Finance, insurance, and real estate) 1 (Information) 3 (Manufacturing) 1 (Utilities and transportation)
2003	7	4 (Finance, insurance, and real estate) 1 (Manufacturing) 2 (Wholesale and retail sales)
2004	23	1 (Administrative and support) 6 (Finance, insurance, and real estate) 2 (Information) 10 (Manufacturing) 3 (Utilities and transportation) 1 (Wholesale and retail sales)
2005	28	1 (Administrative and support) 1 (Agriculture and mining) 6 (Finance, insurance, and real estate) 2 (Information) 9 (Manufacturing) 1 (Professional, scientific, and technical) 1 (Utilities and transportation) 7 (Wholesale and retail sales)
2006	44	3 (Accommodation, food, and other service) 1 (Administrative and support) 4 (Agriculture and mining) 2 (Construction) 8 (Finance, insurance, and real estate) 2 (Health, social services)

Table 3. (*Continued*)

Year	Number of Companies to Adopt	Number of Companies Adopting by Industry
		3 (Management) 12 (Manufacturing) 1 (Professional, scientific, and technical) 1 (Utilities and transportation) 7 (Wholesale and retail sales)
2007	35	13 (Finance, insurance, and real estate) 4 (Information) 7 (Manufacturing) 1 (Professional, scientific, and technical) 6 (Utilities and transportation) 4 (Wholesale and retail sales)

In other words, organizations "mimic" the policies and practices of other organizations – usually successful organizations – in an effort to remain competitive. The spread of gender identity and expression nondiscrimination policies in the manufacturing industry is a good example of possible mimetic effects. Between the years 1997 and 2003, less than three manufacturing companies adopted a gender identity nondiscrimination policy each year. However, in 2004, 10 manufacturing companies added gender identity to their nondiscrimination policies. In 2005, 9 more companies adopted policies; in 2006, 12 more; and in 2007, 7 more.

The finance, insurance, and real estate industry follows a similar trend. In 2003, the trend starts with 4 adopters. In 2004 and 2005, 6 companies adopted each year. In 2006, an additional 8 companies adopted; and 13 more adopted in 2007. Similarly, in the wholesale and retail sales industry, we see a sudden spike in policy adoption around the year 2005 with 7 companies adopting. This led to more policy adoption in 2006 (7 companies) and 2007 (4 companies).

For other industries, specifically the 6 smallest industries, there is little evidence of mimetic isomorphism. For example, only 2 companies in the construction industry, 2 companies in the health and social service industry, and 3 companies in the management industry implemented gender identity nondiscrimination policies – all in the year 2006. In the following year, no company in any of these industries followed suit. Similarly, professional, scientific, and technical companies, and those in the administrative and support industry, have 1 or less adopter per year.

As noted earlier, the industries that lack mimetic effects are the ones least represented in the Fortune 500. It is possible that some of these industries are too broadly defined (e.g., professional, scientific, and technical; administrative and support) and therefore do not look to other companies in the same industry categorization for signals of appropriate behavior because they are not in direct competition with these companies. It is also possible that if we had a larger sample of companies in these industries, for example, had we used the Fortune 1000, we would find evidence of mimetic isomorphism. Finally, it is possible that particular industries are simply unlikely to pass gender identity and expression policies without a federal mandate, even if a few of their counterparts do. For example, we suspect this is the case in the more traditional industry of construction.

LIMITATIONS OF ANALYSIS

In addition to the external factors that we examined, there is good reason to believe that internal or organizational characteristics may also play a role in policy adoption. These include the percentage of women and minority employees, recent Equal Employment Opportunity Commission charges or legal hearings related to discrimination, organizational realignment (i.e., elite turnover), a diversity-embracing corporate culture, and the presence of an LGBT employee network (see Raeburn, 2004). We are in the process of collecting organizational data and examining the impact of both external and internal factors on the adoption of gender identity or expression nondiscrimination policy adoption.

It is also likely that the impact of one kind of external pressure may not hold up in the presence of others, or that the impact of external pressures may pale in comparison to the force of internal factors. While our analysis here is inherently descriptive and thus cannot tease out the net effects of the legal environment, media coverage, or industry-level diffusion, in future work we will examine the impact of external and internal forces on gender identity and expression nondiscrimination policies in a multivariate framework.

DISCUSSION AND CONCLUSION

Over the past 15 years, issues of gender variance in the workplace have gained increasing attention, and a number of employers have implemented gender identity and expression nondiscrimination policies. This is surprising

given the lack of federal and state laws that explicitly prohibit discrimination on the basis of gender identity. We asked why Fortune 500 companies added gender identity and expression to their nondiscrimination policies when they did. We were particularly interested in the relationship between policy adoption and legal pressures including the passage of state or municipal laws prohibiting gender identity discrimination in employment, the passage of state and city executive orders protecting public employees from gender identity discrimination, and federal circuit court rulings relevant to gender nonconformity and employment discrimination. We also examined the relationship between policy adoption and media coverage of issues related to gender variance in the workplace, and the relationship between policy adoption and industry diffusion.

Our findings indicate that both city and state laws may influence some companies to adopt gender identity and expression nondiscrimination policies, although city laws are more likely to influence companies who adopt earlier rather than later. Federal case rulings addressing discrimination on the basis of gender nonconformity also appear to play a role in policy adoption. Of the 2007 Fortune 500 companies, 58 (11.6%) added gender identity or expression to their nondiscrimination statement in the year or in the year after a ruling in their circuit. This finding suggests that employers are responsive to key cases in their court circuit, perhaps due to the legal ambiguity of gender identity discrimination in the federal courts. We found little evidence that companies respond to state or city executive orders or to media attention as measured by *New York Times* coverage of gender identity issues in the workplace. Finally, we found evidence of the diffusion of policy adoption within industries, although companies were more likely to mimic in some industries – namely manufacturing; wholesale and retail sales; and finance, insurance, and real estate – whereas other companies did not appear responsive to their industry peers. The companies least likely to reveal a mimetic pattern were those in the least-represented industries in our dataset.

One of the most discouraging findings is that many private employers have not yet amended their nondiscrimination policies to incorporate the protection on the basis of gender identity or expression, including those that are subject to state or local mandates. For example, in 2002, New York City passed a law prohibiting discrimination on the basis of gender identity or expression. Forty-four companies in our dataset are located in New York City, NY. By 2007, five years after the passage of a law prohibiting discrimination on the basis of gender identity or expression, 25 of the 44 companies based in New York City – more than half – still did not include gender identity or expression in their nondiscrimination policies.

This may be due to the fact that federal law does not explicitly recognize gender identity as protected under Title VII or under separate legislation.

It is important to note that although these policies appear progressive, we are unsure about the impact of such policies on equity in the workplace. In other words, do these policies actually prevent discrimination on the basis of gender identity or expression? Some scholars suggest that corporate policies are largely symbolic and have little impact on equity (see Edelman & Petterson, 1999; Dobbin, 2009). In her analysis of organizational policies, Weiss (2004) found that adopters of gender identity inclusive policies often did so to communicate and signal an ethic of tolerance to employees and potential employees. Yet, in effect, such policies were often little more than a recruitment tool. A significant number of policies lacked protocols for addressing the concerns of gender-variant employees. For example, many policies required "passing." An employee might be permitted to use the men's restroom, but only if he looked enough like a man that no one would question his belonging. Yet, such a requirement is in direct conflict with the employer's promise not to discriminate on the basis of "gender identity" (Weiss, 2004). The end result of such policies is a false sense of security for gender-variant employees.

While critics have said that such policies are largely symbolic gestures, we argue that gender identity and expression nondiscrimination policies are important nonetheless. First, they send a message regarding what is acceptable and unacceptable in the workplace. Second, such policies push people to think about gender differently. It is clear that there is far more gender variation than the categorization of "male" and "female" allows. These policies can serve as a learning opportunity for workplace actors and begin to shift public perceptions of gender away from the gender binary and toward a model of gender variance.

NOTES

1. In 2007 two versions of the bill were introduced. The first included gender identity provisions; however, some sponsors believed that ENDA had a better chance at passing in the House of Representatives if gender identity was not included. Gender identity was dropped from the bill, which passed in the House but later died in the Senate. In 2009, Representative Barney Frank reintroduced the bill including protection on the basis of gender identity.

2. The bill would exempt religious organizations, the military, and businesses with less than 15 employees.

3. These are: California (2003), Colorado (2007), Illinois (2006), Iowa (2007), Maine (2005), Minnesota (1993), New Jersey (2007), New Mexico (2003), Oregon (2008), Rhode Island (2001), Vermont (2007), and Washington (2006).
4. These are Delaware, Indiana, Kansas, Michigan, Ohio, and Pennsylvania.
5. Cases involving gender variance have also challenged notions of gender fairness under the Family and Medical Leave Act (FMLA). Most notably in *Nevada Department of Human Resources v. Hibbs* (2003), the Supreme Court concluded that reliance on invalid gender stereotypes cannot justify gender discrimination. It is interesting to note that prior to the Supreme Court ruling in *Hibbs*, no more than seven Fortune 500 firms had adopted gender identity nondiscrimination policies in any given year. However, in 2004 – the year following the ruling – the number of Fortune 500 adopters jumped to 23.

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TALK, TOUCH, AND INTOLERANCE: SEXUAL HARASSMENT IN AN OVERTLY SEXUALIZED WORK CULTURE

Karla A. Erickson

ABSTRACT

Based on an ethnographic study of a restaurant called the "Hungry Cowboy," I examine how servers make use of sexual harassment claims within a sexually overt work culture. Focusing on the dynamics of a specific case, I explore how participation in sexual talk and touch provides positive rewards for some workers, operating as a source of craft pride, while laying the groundwork for exclusion of other workers. This study reveals how intersectionality plays out in the day-to-day behaviors and practices that make up workplace cultures, how white workers use a gendered tool to filter racism, the intentional manipulation of workplace culture by workers, and the unintended outcomes of sexual harassment laws.

"When it's the Mexicans, it's just different." That is what Tammy, a waitress at the Hungry Cowboy, a Tex-Mex restaurant in Minnesota, told me about why she had started getting an escort to her car at the end of her serving shift. Tammy had complained to her boss, Richard, that she did not

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like the way three of the male cooks at her workplace touched her. Richard immediately sat the cooks down and told them not to touch Tammy anymore and instituted a rule that the closing manager had to walk Tammy out to her car each night when her shift ended. Was Tammy being protected from unwanted touch and an unsafe work environment as sexual harassment law intends? If the touch she identified as unwanted was routine but became unwanted only when initiated by Latino cooks, then does the manager's reaction provide protection against sexual harassment or does it hazard the risk of racial/ethnic harassment? How can workers and managers navigate sexual harassment claims in a sexually overt work culture and what do their reactions tell us about the intersections of sexuality, race, class, and gender at work? In what follows, I use Tammy's case to explore how sexual and ethnic harassment compete at the Hungry Cowboy, and how the sexually overt work culture of the Hungry Cowboy makes use of sexual touch and talk as a source of connection and exclusion.

Previous scholars (Lerum, 2004; Vaught & Smith, 1980; Roy, 1959) have explored how sexual play is used as a resource to build a sense of belonging in the workplace. I build on that scholarship to show how workers at the Hungry Cowboy defend and celebrate shared sexual behaviors at work that they say give them a shared sense of meaning. I liken their use of sexualized interactions to craft pride. I argue that at the Hungry Cowboy, workers brandish an attitude that encourages sexual talk and touch and that this shared attitude is *productive* of workplace culture.

Previous studies (Giuffre & Williams, 1994; Williams, Giuffre, & Dellinger, 1999) have suggested that sexual harassment is difficult to distinguish from sexual play in sexually overt workplaces. Workers apply different rules to racially similar versus racially dissimilar coworkers (Giuffre & Williams, 1994). As a participant researcher, I was able to witness this directly. My observations of patterns of touch over a period of years enabled me to challenge and scrutinize the distinctions my former coworkers made between wanted and unwanted touch. This study reveals that in a context where sexual harassment claims are rare, when such claims are made, they attract disproportionate attention, inspire immediate and forceful action, and can therefore be mobilized to deepen divides between workers along lines of race, class, gender, and occupational status.

METHODS

Located in the western suburbs of Minneapolis, the Hungry Cowboy is a Tex-Mex restaurant that has been serving up "Tex-Mex with southern

hospitality'' for almost 20 years and has built up a loyal following of regular customers. My conclusions about this particular workplace culture are based on two years of participant observation and interviews with 15 servers – 5 men and 10 women – who worked at the Hungry Cowboy from one to ten years. While I worked at the Hungry Cowboy for a total of 13 years in several roles, the participant observation for this study involved 2 years of 15 to 40 hours per week of working, observing, and taking detailed field notes. At the time of the participant observation, I worked as a server. The interviews were semistructured and lasted between 1 and 3 hours. Table 1 summarizes interviewees' age, gender, years of experience, family status, and education.

The primary focus of the interviews was to address how servers capitalize on demands to perform emotional labor (Erickson, 2009). In the process of asking about what they enjoyed about their work and what was challenging about their work, I stumbled across a rather startling discovery. Although I had worked at the Hungry Cowboy for many years in several capacities – as a bookkeeper, manager, bartender, server, and busser – I was not aware that some of my white female coworkers had made informal claims to management about being ''harassed'' by the Latino cooks. The first time this

Table 1. Characteristics of Servers Interviewed.

Name	Gender	Age	Years at Hungry Cowboy	Years Serving	Race	Marital Status	Children	Education
Julia	F	21	4	5	White	Married	0	Finishing college
Meg	F	21	3	3	White	Unmarried	0	4-year degree
Jessica	F	32	9	11	White	Divorced	2	4-year degree
Patricia	F	29	10	11	White	Married	2	4-year degree
Lisa	F	39	10	18	White	Unmarried	0	4-year degree
Alex	F	n/a	10	12	White	Divorced	0	4-year degree
Beth	F	28	4	12	White	Married	1	Finishing bachelor's degree
Betsy	F	30	2	13	White	Remarried	2	Some college
Tammy	F	20	2	2	White	Unmarried	0	Finishing associates' degree
Liz	F	21	2	2	White	Unmarried	0	Finishing associates' degree
Joey	M	30	3	5	White	Unmarried	0	High school
Billy	M	29	8	8	White	Unmarried	0	Associates' degree
Trevor	M	29	6	15	White	Unmarried	0	4-year degree
Ralph	M	33	1	15	White	Unmarried	0	4-year degree
Charles	M	37	1	20	White	Unmarried	0	4-year degree

came up in an interview, I ignored it, but by the third time, I began to pay attention and then to ask some follow-up questions about how these assessments were being made and received by management. In this chapter, I focus on the case of sexual harassment discussed by Tammy to highlight the power and usage of the "sexual harassment" label.

My role as an insider to this particular workplace facilitated my access to information. As a front-of-the-house white worker, I was often included in sexual talk and touch among servers, bussers, bartenders, and occasionally managers. In fact, as a young woman working one of my first jobs, the opportunity to participate in what I considered illicit talk and touch was one of the pleasures of my time at the Hungry Cowboy. Like many of the servers, I had a different relationship with the cooks, in part because they worked in a distinct space. Looking back, I touched and was touched less by cooks than by front-of-the-house coworkers. However, it never occurred to me that those differences were formally enforced until I became a researcher. In what follows, I use spatial, rhetorical, and interactional data to consider how the routines around sexual talk and touch provided benefits and elicited costs for workers disproportionately. My analysis compares what servers say in interviews, particularly in regards to labeling actions "sexual harassment," with what I observed they do with their bodies.

My long involvement in the Hungry Cowboy and interviews with servers provides a fleshed out understanding of the logics of sexual activity from the servers' side, but offers little insight into what the cooks think about their own involvement in the sexually overt work culture of the Hungry Cowboy. In what follows, I pursue what can be understood from the limited vantage point of the front-of-the-house workers. I begin with a discussion of how space is configured and how workers are situated spatially depending on their jobs. I focus on which interactions are encouraged and which are regulated or contained by the arrangement of the space. The next three sections explore the sexual economy of work at the Hungry Cowboy, with particular attention to the benefits and disadvantages to workers of laboring in a sexually overt work culture. In the final sections, I use Tammy's particular claim to assess what kinds of touch are deemed intolerable by front-of-the-house workers, and how sexual harassment claims both reflect and deepen racialized and occupational divides at the Hungry Cowboy. In the concluding discussion, I consider what the dynamics of space, race, and sexual play reveal about how sexual harassment claims function in one overtly sexualized workplace, linking these findings to new questions for labor scholars who situate their studies in the intersectional dynamics of race, class, gender, and sexuality at work.

SPATIAL AND OCCUPATIONAL DIVISIONS

At the Hungry Cowboy, there are several important ''lines'' in the socio-spatial arrangement of the restaurant. The first line divides the ''restaurant side'' from the ''bar side.'' As customers enter through the lobby, they must decide where they want to dine, either in the family-friendly restaurant side or in the rowdy, smoky bar. The second line is where carpet meets tile, the point past which customers do not cross. The carpet marks the dining area whereas the tile represents the ''workspace'' for restaurant staff. The third line is a 15-feet metal assembly table that cooks stand behind to do their work, literally called ''the line.'' This table physically separates cooks from servers and managers. Servers are not allowed behind ''the line'' and must step up to it to communicate with the cooks.

Space can ''discipline'' bodies and shape social interactions (Foucault, 1977). Space can also demarcate rank, power, and privilege. The line between back and front marks the difference between producers and consumers, who pays and who gets paid, who serves and who is served. At the Hungry Cowboy, this same line also marks distinctions of status, race/ethnicity, class, and power.

The primary division in the restaurant is the front of the house from the back of the house. Whether on the bar or restaurant side, the space for the customers, who are the recipients of service, is delineated from workspace, where workers prepare to deliver service. The behaviors permissible or encouraged in each of these spaces are roughly equivalent to the identity managing practices that Erving Goffman (1959) defines as frontstage and backstage. For Goffman, everyday life is a performance for an audience of other social actors. Individuals perform a self that they want others to believe of them. Furthermore, for Goffman, selves are performed in relation to others, to place, and to time. Goffman identifies frontstage behaviors that are consistent and deliberate and contrasts them with backstage places or times when individual performers can step out of character or drop the act. In daily life, backstages are created when the other social actors who make up our frontstage audience are not present.

In service work, the backstage and frontstage are physical spaces with distinct audiences and practices. Hostesses, bussers, servers, and bartenders can and do move from the front to the back of the house hundreds of times each night. In doing so, they subtly and overtly alter their affect, bodily display, physical movement, language, tone, and performance; these changes contribute to the mood of the restaurant. Servers are not just balancing trays; they are balancing multiple performances. Servers use the

backstage space to assemble food and beverages, and also to drop character, if only for a few seconds. Behind the scenes, servers collide and swear, tell stories, and holler (Bolton, 2005). The backstage is where workers do much of the labor of serving food, and also where they go to forget they are at work, to hide from customers, and to "have fun," all of which include physical and sometimes sexual maneuvering. Using an intersectional analysis (Crenshaw, 1993) to expand on Goffman's work (1963), I show how "doing gender" (West & Zimmerman, 1987) and sexuality is an ongoing process that is influenced by space, race, and class.

The third and final "line" marks the divide between the cooks and dishwashers from the servers and bartenders. Cooks work rapidly "behind the line" which is the 15-feet metal table that separates the cooks' workspace from the servers' workspace. When the rush begins, the cooks shout out the orders, break the task down into parts, and through combined effort produce 20 to 200 meals per hour. When the food is ready, it crosses the line from cook to server.

At the Hungry Cowboy, it is not just the physical "line" that divides the front-of-the-house staff from the cooking staff, but also the status lines that define who is expected to do certain tasks and engage in certain interactions that create this division. Job assignments make use of dominant social relations to decide who does what in terms of who is hired for which positions. Once hired, job assignments and the spaces in which each group of workers labor create a visual taxonomy of difference in which occupational and class status combine with raced and gendered identity to "sort" workers (Tilly & Tilly, 1998). Halford, Savage, and Witz (1997, p. 258) describe how occupational typing sorts peoples and behaviors:

> First, there is a spatial dimension, which describes the rules governing spaces between bodies or their integrity in organizational life. Indeed, there is a sense in which job hierarchies themselves can be understood not simply as ordered spaces between jobs, but also as spaces between bodies. There is, then a symbolic space between bodies as they are arranged into hierarchies within organizations.

At the Hungry Cowboy, workers are sorted by race/ethnicity and gender, which then sorts them to different job categories and therefore different spaces in the workspace. Those different spaces then give rise to differential access to workplace interactions. For example, in the 13 years I worked in the restaurant, all the servers and bartenders were white. White women predominated as servers and hostesses, while white men were more often bartenders and bussers. During that same time period, 50% to 90% of the kitchen workers, both dishwashers and cooks, were Latino men. Some of

the men were American citizens born in Mexico, El Salvador, and Guatemala, while others were seasonal workers who planned to return home to Mexico. Tammy's use of "the Mexicans" in this context reduces the internal heterogeneity of the group of men who worked as cooks at the Hungry Cowboy.

The arrangement of labor at the Hungry Cowboy reflects two forms of occupational segregation. First, workers are partially sorted by gender, with women predominant in the front of the house, while the back of the house is staffed mostly by men. During the time that I worked at the Hungry Cowboy, only one woman worked in the kitchen. Young men were hired to wash dishes or bus tables, whereas young women were hired to work as hostesses at the front desk. Second, and even more distinct, is the occupational typing that situates white workers in the front of the house, and Latino workers in the back of the house. While white bodies and brown bodies are segregated spatially within the restaurant, it is the Latino men's cooking that lends legitimacy to the food that is served by white servers. And yet, the Latino men who make the food are largely invisible to the customers.

The clientele at the Hungry Cowboy is more diverse than the front-of-the-house staff. Customers mainly live in the surrounding suburb which means they tend to share considerable class privilege. The majority of the customers are white, while a smaller percentage of the customers are African-American, Asian-American, and Latino.

The performance of service includes bodies that collide and bodies that are carefully kept separate. The spatial divides within the restaurant reinscribe social differences between what feminist scholar Chandra Talpade Mohanty (1997) calls the "citizen consumer" and the "producer worker": those who can pay to be served and those who offer their service for pay. In her research on Third World women workers, Mohanty draws attention to the "use of racial and gendered logic to consolidate capitalist accumulation." The racial and gendered logic of the Hungry Cowboy insures that the person delivering the food is most likely going to be a woman and will certainly be white. While Tex-Mex may seem somewhat exotic in Minnesota, the food is delivered by recognizable bodies – white women's bodies. Farther back in the kitchen and never fully visible to the customers, the Latino men cook food that makes use of their cooking skill and in some cases, their cultural knowledge (for the subset of cooks who are actually from Mexico). This carefully managed difference is part of the specific ambience of the Hungry Cowboy and also provides the foundation for the development of a sexually overt work culture.

SEXUALLY OVERT WORK CULTURES

According to labor scholars Folgero and Fjelstad (2005), overtly sexualized workplaces are those in which there is no pretense of hiding sexualized talk and touch. Like many restaurants, interactions between staff members at the Hungry Cowboy are characterized by frequent intimate and sexual contact between workers. Sexual jokes, innuendo, and teasing are constant, and workers routinely touch, tickle, poke, and grope each other. Most of these interactions are heterosexual, with both men and women initiating. Women often touch and tease each other. Men do touch and tease each other, although not as often as women, frequently going to lengths to insure that the touch is not misconstrued as communicating homosexual desire.

The locus of sexual play is the gathering area between the prep area and the "line" the cooks work behind, where servers wait for their orders and dishwashers stack dishes. While teasing and joking is rampant on both sides of this third "line," servers are more likely to touch each other than cooks, in part because their occupation is mixed by gender. Occasionally, the sexual play and talk does spill over into the cooking side of the line, and then sometimes back again with flirting and sexual innuendo being tossed back and forth between the cooks and the servers. During a shift, touch between the cooks and servers is less common due to the large metal table usually dividing them, but touch between all workers is common after work and at work-related parties. Some workers also occasionally have sex together, in coolers, the shed, and other backstage locations. After one manager – a white woman – left the Hungry Cowboy, years worth of love letters between her and a white cook were discovered in the ceilings of the administrative offices. This relationship, although long in duration, was unknown to me during her employment.

In interviews, all 15 servers referred to sexual touch and talk as a regular and expected quality of interactions between staff. Servers described having their butt, groin, or breasts grabbed, caressed, and slapped. Twelve of the workers reported enjoying the sexual talk and touch, while three described tolerating the sexually overt working environment. Whether they embraced sexual touch and talk or not, participation in such behaviors was viewed as part of what it meant to work at the Hungry Cowboy.

At the Hungry Cowboy, sexual banter and frolicking are not actively hidden from the management, and this activity sometimes spills out onto the front of the house as well. The managers might wrinkle their nose at these behaviors, or smile knowingly, but they rarely stop workers' play backstage. When tickling, touching, or innuendo between workers is "carried up

front,'' the general manager puts an end to it because it distracts workers from their customers (Loe, 1996). However, when the general manager observes these behaviors in the back of the house, he responds like a slightly bemused father figure. He does not participate, but he permits the behaviors to continue by virtue of observing them without comment. Middle managers tend to avoid mixing with the servers in general, and most tend to ignore touch between workers and avoid sexual touch with workers. For middle managers, who have substantially less power than the general manager, attempts to curb these behaviors might backfire considering the substantial pleasure servers take in sexual banter, teasing, and touch and their general support of these practices in the workplace. The overall effect is a sexually overt work culture in which exhibitions of sexualized speech and interaction are accepted if not encouraged.

At the Hungry Cowboy, white women are the numeric majority in the front of the house and are active participants in sexual talk and touch. In fact, my observations led me to conclude that women initiated sexual touch more often than men, and also had a wider range of people they could touch since women frequently touch each other. It was rare for men to participate in sexual play with other men. One example of waitresses' sense of entitlement to touch other workers is the case of the one ''out'' gay man who was employed at the Hungry Cowboy during the time of this study. Throughout his employment, he was extremely cautious about how he participated in the sexual play. Despite his hesitancy to participate in the sexual joking behind the scenes, women workers actively sought out opportunities to touch him and be touched by him. This is one example of how front-of-the-house white women workers exert control over how sexual play is used. At they same time, they relied on and reproduced heterosexist assumptions that male coworkers will invariably enjoy being touched by women. Whether this particular worker in question viewed the frequent, one-way touch as a mark of camaraderie or as an unwanted, unwelcome aspect of his work, I do not know. He left the Hungry Cowboy before I had a chance to interview him.

My research at the Hungry Cowboy confirms previous studies that suggest that sexually overt work cultures make sexual harassment difficult to address (Dellinger & Williams, 2002). Writing about sexual harassment in workplaces, Folgero and Fjelstad (2005, p. 31) report that it ''remains acceptable – and thereby 'non-existent' – in the 'right' setting, i.e. in service organizations. Any problems belong to the individual, who is given two choices, both equally appalling: take it – or leave.'' The servers at the Hungry Cowboy who tolerate sexual touch describe ''toughening up'' and

"learning to tolerate" sexual talk and touch that had previously been offensive to them. For example, Alex explains revising her standards of what constitutes acceptable work behavior:

> If somebody filed a law suit for sexual harassment, unless it's like completely blatant, like, "You're not going to get this job unless you sleep with me," it doesn't seem like such a big deal. So what I consider harassment is completely different in the service business. Like one of the dishwashers, I walked by and he grabbed one of my tits, and I'm like, 'What are you doing?' I'm not saying that it's right, but I'm also not going to be a prude.

Servers' stories of "learning to put up with it" and "changing what I consider acceptable" reflect a particular understanding of the participatory norms in a sexually overt work culture: to be included in the occupational camaraderie, sexual play is not an *option*, but rather a requirement. While many servers described sexual play as part of what they enjoyed about their work, these servers accommodated the sexual play by lowering their own standards of what was comfortable for them in a workplace setting.

THE "PERKS" OF SEXING UP SERVICE WORK

Many of the servers at the Hungry Cowboy view sexual activities as a source of pleasure and a way to get through a shift. Like workers in other studies (Giuffre & Williams, 1994; Gutek, 1985; Pringle, 1988; Hall, 1993), when I asked servers what they liked about their job, many cited sexual play as a welcome distraction, and also one of the reasons they enjoy working in restaurants and might feel bored in a more traditional or conservative work world. The structure of waiting tables lends itself to sexual banter. With gaps of 5 or 10 minutes when business slows, the talk in the service station is often sexual – jokes and innuendoes are just the sort of fleeting conversation made possible by the pace of waiting tables. Trevor explains how sexual banter can fill the gaps between job tasks.

> So what do you do during that time, you shoot the shit, you gossip with somebody, or whatever, the flirting or whatever that we do so well. I think it's a very natural thing in our business, when you put people together in a close knit situation like that, I think it's inevitable.

Sustained or in-depth discussions are nearly impossible for servers, since there is nowhere they can stand out of earshot of coworkers, customers, and managers. As a result, sexy or funny banter in which anyone passing by can take part predominates.

Sex talk works as a common medium between workers. Kari Lerum (2004, p. 773) also found that sexual play can be used as social lubricant that builds occupational camaraderie: "under some conditions, a sexualized dynamic between workers may act as a bonding agent or work adhesive, a way to smooth over differences and show respect and allegiance to one's coworkers." Ralph explains that sexual banter and teasing can connect workers with few interests in common:

> Well, you know my experience is that I've never been much of a TV or movie watcher, and I read books, and I play classical guitar, and there's not many things that I feel like I can share with people, but sex is one of those things I can share with people, for good or bad.

In short, sexual talk and touch offers a form of social glue among workers who might not have other interests or experiences in common (Roy, 1959; Vaught & Smith, 1980).

Being sexual at work is embraced at times because, as Julia explains, it makes work "fun," "lively," and "juicy." Most servers, when asked if the sexual banter behind the scenes bothered them, explained that while it was not something they would necessarily do outside the restaurant, the sexual play in the back of the house was part of what made the job fun. A waitress named Alex reflects, "It is a physical job, because you can communicate with people with a simple touch. And it's acceptable, it's different, it's acceptable. If I accidentally rub on some guy's crotch there, it's acceptable." As Alex does, many servers defend the sexually overt work culture as a key strength of this work, compared to more "respectable" jobs that are too stuffy to allow sexual play (Brewis & Linstead, 2000).

Tolerating behavior that is deemed inappropriate elsewhere operates like a badge of craft pride for many of the Hungry Cowboy servers. Much like rough hands are pointed to as evidence that someone "works for a living," being proud of one's ability not only to put up with, but also to dish out, sexual banter and play is held up as evidence of inclusion (LeMaster, 1975). The common refrain, then, that sexual play is just "part of the business" situates sexualized interactions as a benefit and a requirement of full membership in a particular occupational world. This stance is most apparent when the fun life of a waiter or waitress is compared with the dull atmosphere of the "cubicle." According to Trevor:

> So you have that camaraderie that I don't think you get a lot of places, especially in a cubicle environment because you're sort of in your own little world, not dealing with other people that much.

Sexual play functions as a ritual of inclusion that is reserved for occupational insiders. These rituals then are used as a source of occupational pride that distinguishes their work from other ways of earning a living. People who labor in more "proper" work worlds are positioned as not "getting" to play around.

The overtly sexualized behavior is reserved as an experience for insiders of a certain sort – a different kind of work world for a different sort of people. Billy explains how workers who enjoy the "touchy, feely" qualities of service work self-select to work in sexually overt work cultures like the Hungry Cowboy:

> As far as the behind the scenes, I've always been a touchy, feely person, it seems like everyone in the industry is a touchy, feely person. So the hugs and kisses and sexual innuendos that are thrown out, they kind of go with the flow. Some people can't handle it as much, some people can. I know every restaurant I've worked in, there's always some sort of something going on in there, like a soap opera, as far as the women and men thing goes. And again, the partying has a lot to do with that too, sometimes you're attracted to someone and you've been partying and that will take it a little further than it needs to go. To me, it's a neat part about the industry, because to me in general the people kick ass, you have every realm of life working with you and sometimes it leads to sex, sometimes it leads to friendship, sometimes it leads to hatred – whatever – it's all there for the taking and learning in this industry.

Like the "blue-collar aristocrats" that LeMaster (1975, p. 24) studies who "feel that they are earning an 'honest living' [and] that working with your hands is more honorable than 'shuffling paper' or earning a living 'with your mouth,'" servers at the Hungry Cowboy refer to sexual play as an *opportunity*, and a special set of skills or experiences that makes their work better than other kinds of work. Sexual play is one of several features that servers point to as making their labor desirable. Servers enjoy working with people they consider friends, like the opportunity to flirt and joke at work, and enjoy the sociability their job requires.[1]

When servers talk about sexual play at work, they often used "respectable" work worlds or "real jobs" as a foil against which to compare the day-to-day routines at the Hungry Cowboy. The frequency of physical contact, lewd comments, sexual-themed teasing, actual groping, licking, and tickling that goes on behind the scenes would raise serious suspicion in many American workplaces (Williams et al., 1999). As Abigail Saguy (2003, p. 8) explains, "Many American human resource departments condemn sexual innuendo of any kind because it is considered to detract from the bottom line and standards of professionalism." However, at the Hungry Cowboy, "professional" is a category of worker that servers

frequently scoff at, compete with, and to whom they declare themselves superior. As Saguy (2003, p. 119) points out, "professional" connotes "being productive and maintaining social distance with coworkers." Yet, workers at the Hungry Cowboy cannot afford or even make possible such social distance. They are literally on top of one another, physically, emotionally, and socially. The nature of this work as sweaty and physical, emotionally charged, deeply gendered, on display, and responsive to constant alteration *already* removes the work from the imagined sterile, controlled, and efficient "professional" workplace. Workers' attitudes toward sexual play reveal that sexual display is not always a threat, but sometimes can provide grounds for manufacturing consent to the work process (Burawoy, 1979). Rather than resisting the use of their bodies and sexual capacities, most of the front-of-the-house workers celebrate sexual play as an enjoyable aspect of their work and invest in sexual play as a basis for camaraderie and craft pride.

DOWNSIDES OF SEXUALLY OVERT WORK CULTURES

While sexual talk and touch is productive of workplace culture at the Hungry Cowboy, several risks accompany the use of sexual play as the basis for belonging and participation. First, once these occupational norms of sexual play are used to distinguish between this and other types of work, sexual interactions can also be mobilized to manage boundaries *within* the workplace as well. Once sexual activity at work is made into a resource for camaraderie, it also forms the basis for exclusion.

Second, the sexually overt work culture of the Hungry Cowboy filters workers. Given the expectation of participation in sexual play, it is likely that over the years, new servers who did not want to learn to "take it" actually left the Hungry Cowboy early in their work experience. As such, sexual play is not only a building block of occupational camaraderie, but may also operate like an occupational filter by encouraging workers who are not willing to play along to look elsewhere for employment. In fact, a more cynical reading of servers' attitudes is that the enforced participation in sexual play is valued in part because it works as a filter among workers. In this line of thinking, overtly sexualized work cultures like the Hungry Cowboy unofficially but systematically exclude workers who refuse to participate or at least tolerate behaviors that could be construed as harassment in other work cultures.

Third, because sexual play is part of what stabilizes a sense of occupational belonging, sexual talk or touch labeled unacceptable by occupational insiders is particularly vulnerable to immediate and severe action. This plays out at the Hungry Cowboy, where the manager, Richard, investigates sexual harassment claims using different methods than he uses to pursue other disputes. For example, Richard relentlessly turned up all the evidence before approaching a worker suspected of stealing. By contrast, in response to Tammy's claim, Richard acted immediately and swiftly to address the accused actors. More significantly, Richard also punished and prescribed remedies in lieu of asking the accused – in all cases, the Latino cooks – what they thought about the interactions in question. Richard ignored other sexual risks – for example, when customers witnessed sexual play, when front-of-the-house coworkers broke up a relationship and sought, but never received, protective distance from their ex-boyfriend or girlfriend, or in cases when a server labeled another server "gross." None of these complaints were immediately acted upon in the same way that complaints by servers against cooks were pursued. In short, sexual harassment claims silenced the Latino cooks in ways that few other occupational accusations (stealing, cheating, and being late) could.

SEXUAL HARASSMENT IN A SEXUALLY OVERT WORK CULTURE

Given the norm of tolerating sexual talk and touch, what do sexual harassment claims, when made, tell us about what cannot be tolerated? At the Hungry Cowboy, claims of sexual harassment are rare, but revealing. In what follows, I describe the context for sexual harassment claims, exploring what such claims demonstrate about the power and confusion raised by claims of sexual harassment in a sexually overt work culture (Pringle & Game, 1983; Filby, 1992; Giuffre & Williams, 1994).

Harassment is meant to name sexual behavior that inappropriately communicates power, constrains workers, or forces subordinates to make sex a resource to be traded for work rewards (Halford et al., 1997; Brewis & Linstead, 2000; Saguy, 2003). While at the Hungry Cowboy, most of the sex play is between occupational equals, sexual touch and talk are still important work rituals that communicate inclusion in the inner circle, creating a substantial incentive to participate. Desire to be included in that group may put pressure on workers to participate, whether they feel comfortable or not. Servers make complicated calculations as to whether

behaviors "bother them," are "harmless," or have "crossed the line." Alex's reference to "not wanting to be a prude" points to the way that participating in sexual banter and even touching is part of the work culture at the Hungry Cowboy. So "the line" that seems so hard to define is somewhere between being so uptight that one gets labeled a prude and subsequently excluded, and exhibiting behaviors that servers not only identify as harassment, but take action to end. Servers' reports point to certain shared standards of what counts as "crossing the line." Their narratives reveal a pattern: at the Hungry Cowboy, sexual harassment has been packed away and set aside as a meaningless measure for those deemed insiders. I found no claims of sexual harassment between white front-of-the-house workers. Sexual harassment claims were only made against "outsiders," specifically Latino cooks. This "line" marking acceptable from unacceptable sexual play echoes the socio-spatial lines along which work is organized at the Hungry Cowboy.

Take for example, Tammy's account of why she reported sexual harassment to the general manager. Her response to my question about the work environment is thick with unspoken assumptions and unwritten rules:

> KE: How does flirting affect you?
>
> Tammy: I don't think it's that big of a deal. But now that I started serving, people are just friendly with each other, they flirt with each other and everything, but when it's the Mexicans, it's different, they've done some things to me that are very offensive. I've had to tell [the General Manager] about it and I don't know if I should say this, but they're constantly drunk. They are always drinking at work, I busted them on the line yesterday, I didn't tell the manager, but they are constantly drinking back there and that makes the line slow and sloppy.
>
> KE: So what makes it different?
>
> Tammy: Well (pause), it's just that we [the front of the house] are all friends, so we can say stuff to each other, but when they do stuff it's very uncomfortable. [A middle manager] started having to walk me to my car. It was really bad and then it got better for a while and then one day three of them in a row touched my boob, and it was like *ahhh!* I told Richard.

Tammy's account reveals that she makes distinction between people, rather than between behaviors. Tammy marks the behaviors as unacceptable when enacted by workers she perceives not as individuals, but as a group ("the Mexicans"). Her narrative involves an established tension and antagonism between us ("now that I'm serving") and them ("the Mexicans"). At the time of her claim, all but one of the men referred to communally by Tammy as "the Mexicans" were actually born in Mexico. Referring to this group of men as "the Mexicans" may be a way to signify that Tammy (and other servers who use the same label to describe this group of workers) view the men who

work in the kitchen as either temporary in terms of their status as workers in the country or as not American, even those who are now United States citizens. Even if "the Mexicans" refers in some imperfect way to the country, Mexico, in the way Tammy uses it, "the Mexicans" is primarily a racial marker. This same group of men could be referred to as "the cooks," since that is what they all do, but instead they are referred to as "the Mexicans" (while the one or two white cooks employed are referred to as "the cooks").

In her account, Tammy's dislike of the touching flows into other claims of misbehavior on the part of the cooks. "They're constantly drunk" is an unsubstantiated claim that sets a context for the sexual harassment claim, but does not carry with it the same organizational power. First, the cooks, in fact, are *not* drunk all the time, so if Tammy were to claim that, Richard would treat her claim with suspicion. Second, drunkenness versus sobriety on the job is relatively easy to assess, and Richard would likely conduct his own investigation to weigh the legitimacy of her claim. However, when it comes to using the language of "sexual harassment," Richard responds in a forceful and specific manner. First, Richard responds in keeping with the gravity appropriate to a manager reacting to a potential legal claim, in light of his annual training as a restaurant manager about how to respond to sexual harassment claims. Richard requires all new employees to read and sign a sexual harassment form. Richard's attitude toward sexual harassment claims, like any potential legal claims, is serious and there is reason to believe he would act immediately and with serious attention regardless of the participants involved. While no white workers made claims against each other during the period of study, there is reason to believe that Richard would respond with equal seriousness if they did. What is important to Richard as a manager is that interactions at the restaurant that are not comfortable for workers are managed internally before they rise to the level of an actual legal claim. Tammy knows this. She knows that if she complains about the cooks being slow to get orders out, or hard to understand because they speak in Spanish, or "drunk all the time," Richard will listen to her concerns and then follow up with his own investigation. But when it comes to sexual harassment, the mere mention is like playing a trump card in a card game: sexual harassment clears the table. Such a claim sets off a specific reaction from Richard, one that privileges white women's account of workplace interactions and that does not necessitate an independent investigation. Instead, he reacts with immediate punishment to the cooks in question without ever asking them about their account of the interaction.

Richard's reaction in many ways demonstrates the success of feminist scholars and activists who have sought to force businesses to take sexual

harassment claims seriously. What is unfortunate is that the relative power of the "sexual harassment" language in this particular work culture prevents recognizing other factors that influence the touch and the interpretation of the touch. As a result, not only are the Latino cooks prevented from telling their side of the story, they are punished through exclusion – through a warning not to touch, and an intensification of the already stratified sociocultural arrangement of space and bodies in the restaurant. The punishment is bodily confinement and a deeper spatial and embodied division from the servers. Tammy is granted protection from them. The sexually overt work culture provides the context for the cooks' choice to touch a coworker (since it is so common to do so), and then makes Tammy's claim particularly salient in that same work culture. As such, they appear to be symbolically confined – they are answerable to a strict response to a sexual harassment claim, but they are not well positioned to make a claim of racial/ethnic discrimination, even if that aptly describes the grounds for their exclusion from what are routine workplace interactions (Bruce, 2006). As such, sexual harassment operates as a mechanism by which undesirable others can be excluded from work culture.

Tammy's story echoes other scholars' findings about how race and sexual display interact in the work place. In their study of restaurants, Giuffre and Williams (1994, p. 389) encountered a startlingly similar story. According to a waitress they interviewed:

> I had some problems at a [previous restaurant] but it was a communication problem. A lot of the guys in the kitchen did not speak English. They would see the waiters hugging on us, kissing us and pinching our rears and stuff. They would try to do it and I couldn't tell them "no." You don't understand this. It's like we do it because we have a mutual understanding but I'm not comfortable with you doing it. So that was really hard and a lot of times what I'd have to do is just sucker punch them in the chest and just use a lot of cuss words and they knew that I was serious. And there again, I felt real weird about that because they're just doing what they see go on everyday.

Giuffre and Williams (1994, p. 399) concluded that "the sexual 'pleasure' many women seek out and enjoy at work is structured by patriarchal, racist and heterosexist norms." The way that servers at the Hungry Cowboy describe how they determine whether to enjoy, tolerate, or punish sexual behaviors reveals the special power of sexual harassment claims to alter interactions in a sexually overt work culture.

For a white server who already has occupational, class, and race privilege over her Latino coworker, using a term that servers refuse to use to describe each other's actions allows Tammy to dictate the "rules" of interaction in the work place. And because Tammy's account includes the report that

"three of them in a row touched my boob," it allows her to exert influence over interactions between her and not just an individual but rather a group of workers. Her claim against "the Mexicans" is diffuse. In other words, sexualized behavior is acceptable as long as there's a "mutual understanding" or what Tammy refers to as "being friendly with each other." "Being friendly with each other" can be translated as "the same as me," and implies reciprocity and the possibility of intimacy. Servers accept touch or language that is arguably inappropriate as long as it is perpetuated by someone who they view as similar to them: a sexual equal. Giuffre and Williams (1994, p. 392) call this "the assumption of racial homogamy" and argue that it protects white men from charges of sexual harassment from white women. At the Hungry Cowboy, servers even put up with being touched by people they do not like, as long as they perceive those individuals as being in the same group as them, as being one of the included. The included, those who are touchable in interactions but untouchable in regard to sexual harassment claims, are the white, front-of-the-house workers. In servers' narratives, this assumed likeness is marked by "we," whereas they refer to the excluded workers as "they." Those who are excluded and can commit transgressions are the Latino cooks.

Williams et al. (1999, p. 91) point out that the use of double standards to label behaviors as harassment occurs in several workplaces:

> Individuals may use double standards to decide who can and who cannot participate in the sexualized culture of the workplace. Marginalized groups may be overrepresented among those who are excluded, making members of these groups more likely than dominant group members to be charged with sexual harassment of engaging in sexual behaviors. Some organizations also use double standards in deciding who can and cannot engage in sexual relationships, and which relationships are valued and privileged.

In my study, a racialized double standard of what constitutes sexual harassment also reinforced white people's power to determine workplace culture. Of course, even before these uneven rights to "access" to the work culture develop, the Latino men and the white men and women are already segregated by occupational category. As Samuel Cohn (2000, p. 23) explains, "occupational typing sorts people into occupations … or confines people to low status positions within a given occupation." At the Hungry Cowboy, the separate job categories facilitate a ready-made "us" and "them" mentality that combines occupational distinctions with racial and ethnic distinctions with spatialized and embodied distinctions about sexual touch. Racial and occupational status differences are managed through reference to sexual touch and possible hostility.

DISCUSSION

The sexually overt work culture of the Hungry Cowboy affords white front-of-the-house women workers the opportunity to misappropriate the protections that sexual harassment law is meant to provide. In a sexually overt work culture where a great deal of sexual play and touch is tolerated, claims of sexual harassment take on a heightened significance and become immediately actionable. In this way, claims of sexual harassment operate as a "trump card" in that they are treated as more powerful than other sorts of claims made by workers and are not investigated, but rather acted upon unilaterally by managers. This provides front-of-the-house servers, specifically white women, with a special ability to control aspects of the work process through sexual harassment claims. Ironically, sexual harassment laws were developed to prevent sexual behaviors from being used as a threat or an occupational weapon. At the Hungry Cowboy, the claim of sexual harassment has itself become an occupational weapon. Here, sexual harassment claims can deepen the ability of white women workers to determine work processes, while Latino cooks are silenced by the claims.

Because Tammy tolerates or enjoys most sexual play, when she does label some behaviors as unacceptable, it gives her claim more credibility and makes her claim immediately enforceable. The sexually overt work culture facilitates her ability to mobilize her own racist ideas in the interest of depriving some coworkers the opportunity to participate in the sexual play that is a pleasure and a resource for other coworkers. Her decision allows her to use a gendered claim to make her feel protected in terms of contact with racial "others" in the workplace and protects sexual play as one of the rituals of white privilege at the Hungry Cowboy.

This use of sexual harassment to exclude Latino cooks from sexual talk and touch is particularly ironic given that the same law that provides the basis for sexual harassment law was also designed to prevent against racial and ethnic discrimination at work. Racism and sexism are directly correlated in the law. As Saguy (2003, p. 16) explains, Title VII of the Civil Rights Bill of 1964, the very law that defines and makes illegal sexual harassment, was meant first and foremost to address racial discrimination. Title VII "made it illegal to discriminate on the basis of race, color, religion, sex, or national origin." This measure, originally meant to punish sexual or racial discrimination in the workplace, is used instrumentally at the Hungry Cowboy to reinforce racial inequality and perpetuate white privilege. As it is used at the Hungry Cowboy, the effect of the sexual harassment label is not to say, "I do not like what you're doing to me at work," but rather to say,

"I do not like you being a part of my workplace," or more simply, "I do not like you." Rather than naming a hostile work environment, claims at the Hungry Cowboy are made to rid an already sexually overt work culture of unwanted participants in communal sexual play.

Unfortunately, this study did not include interviews with the cooks, so I do not know how they thought about touch and the punishments and exclusion that developed around touch based on servers' claims. Do cooks see touch as a "perk" of their workplace as servers do? Do they use touch as a means to power – a way to shorten the spatial and social distance between them and the servers? This research suggests that if access to the potentially powerful claim of sexual harassment is uneven, it can become a mechanism to deepen racialized divisions in the workplace, particularly when a parallel claim to ethnic harassment is less supported by the politics of the workplace. As such, a study that pays equal attention to the logics of touch that cross the many "lines" in the restaurant would contribute to our understanding of not only race, class, gender, and sexuality at work, but also how sexual harassment claims can trump or even silence racial/ethnic harassment claims.

What can scholars of work learn from this study of a particular sexual harassment claim? These findings are significant because they point to how occupational norms of sexual behavior can be used not only to distinguish between occupational cultures, but also to distinguish between workers, often deepening other divides based on dominant social relations. This situation raises difficult questions, particularly for managers, who need to balance a sincere and responsible reaction to sexual harassment claims without trampling on workers' rights to be free of systematic exclusion on the basis of race and ethnicity. How can managers be trained to respond to claims that mark both sexual harassment and other forms of discrimination? Specifically, how might sexual harassment training take into account the particular dynamics of racially diverse work places? Should low status workers be provided with opportunities to respond when they are charged with sexual harassment? Finally, should managers and workers be trained to identify harassment in the workplace based on race, ethnicity, and sexual orientation? How might such training change daily practice, harassment claims, and responses to harassment claims when they are made?

According to Brewis and Linstead (2000, p. 89), common definitions of sexual harassment include the following presumptions: "(a) that heterosexual sex is the only 'real' form of sex and that (b) in sexual activity, men are active and women are passive. Women are also constructed here as victims, of sexual attention that they do not want, but do not necessarily recognize as harassment, and need assistance withstanding." These patterns

do not hold at the Hungry Cowboy where women not only represent the majority of workers in the front of the house, but are also the only subgroup of workers positioned to both initiate sexual touch and talk and put an end to it, through sexual harassment claims. Here, women give sexual attention to coworkers, both men and women, as often as they receive it. Yet, as Brewis and Linstead (2000, p. 84) point out, the idea that sexual harassment happens by men to women is difficult to shake.

> Although many commentators do make the effort to state that harassment is not something which exclusively happens to women, to acknowledge that harassers and recipients can be of either gender, it would be inaccurate to say that the discourse actually succeeds in producing harassment as a non-gendered phenomenon.

What is telling here is that despite the back and forth in the sexual banter and play at the Hungry Cowboy, women were the only ones who used the language of sexual harassment in interviews. If men talked about the sexually overt work culture, it was to praise it. It seems that even in a situation where there was encouragement to enjoy or tolerate sexual play rather than label it sexual harassment, the only workers who were actively watching out for it were women. While that makes sense considering the broad characteristics and history of who harasses whom, in this context, it would seem nearly impossible for a man to complain about the touching, tickling, and teasing. What's more, since women make up the majority of workers at the Hungry Cowboy, and are powerful occupational actors relative to their male coworkers, there are opportunities for them to misappropriate the ability to make seemingly credible claims of sexual harassment. Latino men's bodies are contained through the threat, and occasional use of the sexual harassment label. Those constraints rest on the assumption of women's passivity – even victimhood – in an occupational context where their job status, race, and gendered access to the claim of harassment combine to make them more powerful than some of their male coworkers. What discriminatory acts do the assumption of women's passivity obscure? How much is men's power at work reduced when impacted by occupational, racialized, or spatialized constraints? How are sexualized behaviors used to maintain racial divides, and how are raced behaviors used to determine what kinds of touch are tolerated and which are not?

My research at the Hungry Cowboy reinforces the need for scholars of work and sexuality to develop additional ways of talking about sex at work that can address how sexual practice is constitutive of workplace culture and that avoids the risk of sorting all sexual activity at work into

a dichotomized view of wanted and unwanted sex. Particularly in service work, which makes deliberate use of workers' smiles, bodies, and selves, the sexual is already present in the workplace. More specifically, as capitalism absorbs more and more of our desires into the marketplace, the possibility of subtracting the sexual from what we can be when we are at work is increasingly difficult (Illouz, 2007). We are sexual beings, and we need ways of talking about the fact of that experience that do not water down discussions of actual harassment by conflating all sexuality with the abuse of power. Sexuality is not an added on, managed, or optional aspect of workplace culture; it is one of the building blocks of the cultures in which we work, interact, and forge identities.

This study also suggests that we must seek to describe, explain, and make sense of how race, class, gender, and work status inform what sexual activities are welcomed and which are not. Workers' reactions to sexual touch and talk are actually more varied than these two categories would suggest. Workers make fine distinctions among seemingly similar touches, and the meanings they ascribe to sexual talk and touch build on other systems of privilege and oppression.

NOTE

1. Servers are less forthcoming about are the perks and challenges of working around alcohol. Access to cheap alcohol and a ready supply of drugs is a perk for many servers, while it presents a challenge for the servers who are in recovery from drug or alcohol addictions.

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SEXUAL HARASSMENT AND GENDERED ORGANIZATIONAL CULTURE IN JAPANESE FIRMS

Kumiko Nemoto

ABSTRACT

Based on in-depth interviews with 64 women in 5 Japanese firms, this chapter examines how women workers interpret workplace sexual behaviors and interactions in different organizational contexts. The chapter explores the processes by which workplace sexual interactions, including harmful behaviors, are normalized and tolerated. It discusses three types of sexual workplace interactions in Japanese firms: (1) taking clients to hostess clubs, which women workers often see as "a part of their job"; (2) playing the hostess role at after-work drinking meetings, where a certain amount of touching and groping by men is seen as "joking around" or simply as behavior that is to be expected from men; and (3) repetitive or threatening sexual advances occurring during normal working hours, which are seen as harassment and cause women to take corrective action. The chapter confirms previous studies that have shown that women's interpretations of sexual behaviors can vary from enjoyable to harmful, depending on the organizational contexts. The chapter also argues that Japanese organizational culture, through its normalization of male dominance and female subordination, fosters and obscures harmful behaviors. Eradicating harmful sexual behaviors will require firms to

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reevaluate sexualized workplace customs and mitigate the large gender gap in the organizational hierarchy in Japanese firms.

Researchers have argued that sexual harassment occurs because of women's subordination in the system of patriarchy (MacKinnon, 1979), their low status in labor markets and in the occupational structure (Hadjifotiou, 1983; Paludi & Barickman, 1991), and the combination of women's lack of power and the dominance of men's sexuality in organizations (Collinson & Collinson, 1989). Gender power imbalances in organizations shape workplace culture with a set of informal rules that include sexual interactions and behaviors (Wilson & Thompson, 2001, p. 67). For example, women in low-status jobs or feminized forms of employment, such as temporary work, often experience sexual objectification (Rogers & Henson 1997, p. 234). At the same time, women's entrance into male-dominated jobs or jobs not traditionally held by women intensifies the likelihood and extent of sexual harassment (Collinson & Collinson, 1996).

Not all sexual interactions are harmful or can be deemed harassment, and workers experience sexual behaviors and interactions differently. Some may take sexual interactions as enjoyable or fun, while others may view them as harmful. As Williams, Giuffre, and Dellinger (1999, p. 77) argue, "sexual harassment and sexual consent are not polar opposites, in contrast to the assumption of much legal theory"; rather, how workers identify sexual harassment and draw boundary lines depends on the workplace contexts that exist in the place of employment (Dellinger & Williams, 2002; Giuffre & Williams, 1994; Williams et al., 1999).

For example, women who work as waitresses may see sexual interactions as a part of the job, even an enjoyable part, especially when they are interactions with potential intimate partners. Yet they may categorize very similar encounters as harassment when they involve sexual advances from someone in a more powerful position, such as a manager, or someone of a different race or sexual orientation (Giuffre & Williams, 1994). When a workplace is highly sexualized, women workers are sometimes expected to participate in sexual joking and accept the sexualized aspects of the job (Dellinger & Williams, 2002). The women's interpretation of sexual interactions may be ambiguous because they may see sexualized actions as "normal" in a "man's world," and thus something that should not bother them (Denissen, 2009). The women's reluctance to label harmful behaviors as harassment may be a part of a survival strategy in a male-dominated workplace (Watts, 2007).

This chapter examines how women interpret workplace sexual practices and behaviors in Japanese firms. It also asks how firms' gender imperatives, embedded in organizational culture, normalize and foster sexual interactions and obscure harassing behaviors in the workplace. Investigating workplace sexual behaviors and women workers' responses in Japanese firms makes for an interesting case study because Japan is one of the least gender-equal countries in the world (United Nations Development Program, 2007). The term "sexual harassment" first gained the Japanese public's attention only in the 1990s, much later than in the United States. Also, a series of sex discrimination lawsuits against Japanese firms in the United States has raised public concerns. In 1996, the Equal Employment Opportunity Commission (EEOC) filed a class action sexual harassment suit against Mitsubishi Motor Manufacturing of America, and the company eventually agreed to pay $34 million to all eligible claimants (CNN, 1998). In another case, brought against Toyota Motor North America in 2006, a secretary filed a $190 million lawsuit against the company's president for his unwanted sexual advances toward her (Clark, 2006). The plaintiff had argued that the president's sexual advances strongly reflected corporate culture in Japan (Orey, 2006), where a workplace culture of sexism remains rampant.

Extending previous studies on how women draw boundary lines regarding workplace sexual behaviors (Dellinger & Williams, 2002; Denissen, 2009; Giuffre & Williams, 1994; Williams et al., 1999), this chapter further investigates the impact of organizational cultural practices on women's interpretations of workplace sexual behaviors in Japanese firms. The chapter's contribution is to pay specific attention to organizational culture, not "Japanese" culture per se, as a way of exploring specific workplace practices and beliefs that support or obscure sexual harassment. The ultimate goal is to provide useful suggestions for changing the organizational culture that promotes sexual harassment.

GENDER, EMPLOYMENT, AND SEXUAL HARASSMENT IN A JAPANESE CONTEXT

There are two patterns of gender segregation in the employment structure in Japan. First, women in Japan are concentrated in nonstandard employment, which includes part-time and temporary worker jobs. Compared to the 80 percent of male workers who work full time, only 46 percent of all employed women work full time (Ministry of Health, Labour, and Welfare, 2007).

While nonmarriage has recently become an increasingly common option (Nemoto, 2008), women have long been expected to quit their job upon marriage to take care of the family. As most Japanese firms hire new employees straight out of college for lifetime tenure, women who quit their jobs upon marriage or childbirth are likely to have only temporary, contract, or part-time jobs.

Second, women who work full time are concentrated on the lower rungs of the organizational hierarchy. Female managers remain rare. While women in the United States constitute 46 percent of all administrative and managerial workers (the highest percentage among sixty-three countries between 2001 and 2002), they constitute only 9 percent in Japan – a number similar to that found in Pakistan and Bangladesh (ILO, 2004). And in 1999, women represented only 0.25 percent of the board members in 2,340 Japanese companies (Debroux, 2003, p. 190).

Previous studies (Brinton, 1993; Yuasa, 2005) have argued that Japanese management policies such as lifelong employment, seniority-based promotion, and the double-track hiring system, combined with the ideology of quitting work upon marriage, have hampered women's upward mobility. Under the "double-track hiring" system, many women in Japanese firms are hired as non-career-track or assistant clerical workers, with limited chances of promotion and few benefits. Most men with a college degree are hired as career-track workers, but only a handful of women with the same education are given this opportunity. The origins of double-track hiring date to when Japanese firms started hiring a small number of "career-track" women workers in order to demonstrate their compliance with the 1986 Equal Employment Opportunity Law (Ogasawara, 2001). While sex discrimination lawsuits against the track-hiring system have been filed in the past, the practice remains common and proponents argue that it is legal, since it allows non-career-track women to change to the career-track path (Starich, 2007).

In contrast with Western management style, Japanese firms are characterized by a seniority-based hierarchy that emphasizes group uniformity over individualism, meaning that workers are expected to strictly obey the senior workers and the firm in exchange for lifetime employment (Kato, 1994). Japanese feminists have argued that the emphasis on group conformity has made women more vulnerable to sexual harassment and less likely to fight against it (Muta, 2008, p. 57). Also, the cultural expectations regarding women's behavior in the workplace, which stress that they should be quiet and speak less frequently and more indirectly than men, have also promoted sexual harassment against women (Akita, 2002, p. 10). One study (Uggen & Shinohara, 2009, p. 206) found that reported harassers in Japan

tend to be supervisors while reported harassers in the United States are often coworkers or subordinates. Japanese feminists (Suzuki, 1994) argue that sexual harassment in Japan often follows one (or more) of the following four patterns: (1) a man imposes the wife role on a woman worker; (2) a man deludes himself into believing that a woman worker feels personal affection toward him; (3) a man feels envy and resentment toward a woman who has superior talent or who rejects taking roles subordinate to him; and (4) a man takes revenge against a woman who does not accept his sexual desire for her.

A number of court cases illustrate common patterns of sexual harassment in which the harassers were male supervisors. An Oita court case was brought in 2002, when a woman worker, who was sexually assaulted by a top manager in her company, expressed her concerns about him; the manager responded by firing her for her excessive absences and problematic work attitude (Ministry of Health, Labour, and Welfare, 2004). In 2008, the Ministry of Health, Labour and Welfare mediated a case in which a woman worker had suffered from continual sexual harassment by the top manager of her company. After refusing his advances, the worker was fired by the manager for her "bad work attitude." This manager insisted that he did not realize his behaviors could be considered sexual harassment, and maintained that he fired her because she lacked "cooperative attitudes" with regard to the other workers (Ministry of Health, Labour, and Welfare, 2009). Both cases resulted in the court ordering the firms to pay compensation to the female workers.

In Japanese firms, sexual behaviors among workers often occur at after-work drinking meetings. After-work drinking in restaurants, bars, and hostess clubs has long been a critical part of Japanese organizational culture. Muta (2008, pp. 57–58) argues that drinking-based organizational events – such as outings, banquets, and overnight trips that Japanese companies often arrange for the purpose of developing "group harmony" in the workforce – promote foolish, even outlandish, behaviors among male workers, including sexual harassment.

In addition, male workers' use of hostess clubs has long been a popular business custom in Japan. Anne Allison (1994), in her study of Japanese hostess clubs, discusses men's use of these clubs as a way of enhancing male homosocial bonds and displaying their power over women. Japanese women in hostess clubs are expected to please male customers by "servicing the cigarettes and drinks of customers, servicing male egos with compliments and flattery, and servicing male authority by never contradicting what the man says" (1994, p. 177). They essentially take care of the men almost as

motherly figures. Hostess women "accept, reflect, and augment" the men to enhance their self-images (p. 177), and the men focus on themselves and their male relations by depersonalizing the women (p. 186). Male workers' use of the sex entertainment industry, including strip clubs and sex workers, is also common. In 1996, the *New York Times* (Pollak, 1996) reported, "[In Japan], clients might be taken to a 'soapland,' an establishment in which a naked woman bathes a male customer. In New York, the Japanese businessman belonged to a members-only club, 30 to 40 percent of whose members were Japanese, that featured a sauna, swimming pool and prostitutes."

As Allison describes, the unique gender dynamic that exists in hostess clubs dictates that sexual interactions between men and women will operate based on a hegemonic script of male camaraderie, empowerment, and entertainment, in which the women are expected to cater to the men's pleasure and mediate the men's relationships with other men. Allison describes the sexually "masturbatory" dynamic this way:

> The women may use a sexually flirtatious style, but what is produced has less to do with a heterosexual relationship than with a man's relationship with himself or other men. In this sense, the sexuality is masturbatory; the erotic object is not the woman but the man, and the female is just a device to enhance the male's self-image (p. 182). …That a hostess is expected to empty herself in a sense – strip herself of a personal identity and subjectivity to become the image and construct of woman desired by men in hostess clubs – is common knowledge (p. 185).

The male worker/hostess woman script has long been used to maintain organizational order and group integration in Japanese companies. This does not mean that Japanese women workers always suffer in drinking places; in fact, both women and men may enjoy interacting casually with other workers. But the gendered script often forces women workers into a position of "emphasized femininity" (Kimmel, 2000), mirroring the gender inequality and sex segregation in Japanese organizations, as well as the cultural images of subordinate femininity so commonplace there.

SEXUAL HARASSMENT LAWS AND POLICIES IN JAPAN

Due to the openness of its legal system and its tradition of individual rights, the United States took the leading role in the regulation of sexual harassment (Zippel, 2006). In the United States, sexual harassment is

defined as a form of gender discrimination, prohibited under Title VII of the 1964 Civil Rights Act. The EEOC has the authority to investigate discrimination complaints and file lawsuits against employers.

The legal definition and the use of the term "sexual harassment," however, varies from country to country. In France, sexual harassment is covered under the Penal Code and is defined as a form of sexual violence similar to rape, sexual assault, and exhibitionism, whereas employment retaliation linked to sexual harassment is addressed under the Labor Code (Saguy, 2000). Punishment for sexual harassment under the French penal code is harsh, as it involves a one-year prison term. In Germany, labor law views sexual harassment as employers' failure to protect individuals from harassment; thus, it is defined as a violation of the work contract (Zippel, 2003). Different from its characterization in the United States, sexual harassment in Germany is considered an unfair workplace practice that is often seen as a type of conflict among coworkers, or between superiors and employees. Thus, it is seen as a collective problem rather than as an individual or personal matter (Zippel, 2003, p. 188). The European Commission defines sexual harassment as a "violation of dignity," which draws on the continent's tradition of worker's rights and the international discourse of human rights (Zippel, 2006, p. 114).

In Japan, provisions on sexual harassment first appeared in1997 when the revised Equal Employment Opportunity Laws defined two types: quid pro quo and hostile work environment. Sexual harassment in Japan is illegal under the tort law of the Civil Code, as it violates women's "personality rights," or "rights to the dignity of [their] personality regarding sexuality," or "personal interest" – terms that derive from German law (Yamakawa 1999, p. 537). "Right" means a "legally protected interest" or "interest that is considered to need protection under tort law" (Yamakawa, 1999, p. 533). When a supervisor demands sexual favors from a plaintiff, such conduct can be seen as an infringement of the plaintiff's personal rights, personal dignity, or sexual freedom, and whether the behavior is illegal or not is determined "in light of the totality of the circumstances" (Yamakawa, 1999, p. 538).

In its emphasis on the personal right to dignity and workers' rights, the legal interpretation of sexual harassment in Japan appears to be close to the European definition. Similar to the EU's "individual dignity" approach, Japan's personal rights approach may have wider applicability than the U.S. sex discrimination approach, especially "in cases where courts cannot find that working conditions were adversely altered by sexual harassment or that the harassing conduct was carried out because of gender" (Yamakawa, 1999, p. 558).

While the development of legal regulations in Japan has been important in terms of protecting workers', and particularly women workers', personal rights, the Equal Employment Opportunity Law (EEOL) lacks mechanisms for effective legal enforcement (Geraghty, 2008). The 1997 EEOL only required employers to make a good-faith effort to take measures against sexual harassment (Yamakawa, 1999), and while the 2007 revision included a maximum penalty, it only requires releasing a firm's name when it fails to comply with the law (Geraghty, 2008; Starich, 2007; Yamakawa, 1999). Consolation money to be paid to the victims is not substantial, with the maximum being about $25,000 (Yamakawa, 1999). And individuals cannot sue employers under the EEOL itself (Starich, 2007); a worker can only bring a case to a local branch of the Ministry of Welfare, Health, and Labour, which provides mediation services. Penalties for harassers in Japanese firms can include salary reduction, demotion, transfer to a different section, suspension, and termination of employment.

Some U.S. firms prohibit intimate relationships among employees in order to legally protect the firms (Williams et al., 1999, p. 83); in Japan, however, firms' monitoring of workers' intimate involvement as an official policy is uncommon. Still, a small number of firms, including Japan IBM, have officially prohibited intimate relationships between supervisors and subordinate workers as an inappropriate workplace behavior (Japan IBM, 2010).

METHODOLOGY

This chapter relies on the data collected for a large study of gender and workplace culture in five companies in Japan. Using a snowball sampling method, I conducted 64 in-depth interviews in 2007 with a diverse group of workers in Tokyo who were employed at three financial companies and two cosmetics companies. I had contacted university faculty and alumni members at a few universities in Tokyo, informing them of my research plan involving cosmetics firms and financial firms, and was introduced to my initial contacts in each firm.

I initially chose five companies in two industries that are distinctly different in terms of sex composition of career-track workers, gendered hiring practices, and public image. The two cosmetics companies employed a much higher number of career-track women workers than the financial companies and did not use double-track hiring. The cosmetics industry is also seen as one of the most "women-friendly" in Japan, whereas the image

of financial companies is traditional and highly patriarchal. However, I found that women upper managers were almost absent in all the firms; the average rate of female managers among the five firms was about 10 percent. Furthermore, all the firms had more similarities than differences with regard to male-dominated organizational customs and practices.

I interviewed 39 women and 25 men. All the men were career-track workers. Twenty-nine of the women were career-track workers, nine worked as non-career-track workers, and one was a contract worker. For this chapter, I used the data from the interviews with women that related to sexual interactions and sexual harassment. I also asked men about their experiences of sexual harassment. The men's responses were generally too brief to allow for an adequate analysis. Some seemed offended by being asked questions about this subject and responded curtly. Thus I do not include men's views or experiences in this chapter. Among the 39 women, 8 worked in an asset management firm, 5 worked in a bank, 8 worked in a life insurance firm, and 18 worked in two different cosmetics firms. The average age of the women was 34 years. Twelve women were in their twenties, twenty women were in their thirties, six women were in their forties, and one woman was in her fifties. Among all the women I interviewed, 4 had graduate degrees, 28 had graduated from college, 6 had graduated from two-year colleges, and 1 was a high school graduate.

While the workers I interviewed worked at five companies at the time of my interviews, the examples I discuss in the next sections are not limited to incidents that occurred in those companies; one worker discussed her previous workplace, and another worker mentioned her boyfriend's experiences. But all cases discussed in the following sections did take place in large-sized Japanese companies in Japan.

Traditionally, Japanese firms have exclusively hired new college graduates straight out of college and not workers from other firms. However, it has become increasingly common among financial firms to hire workers from other companies. As a result, among the 39 women I interviewed, 8 women who worked in financial firms had previously been employed in different firms. Five out of eight had worked in other financial firms, and the remaining three had worked in a publishing company, a trade company, and a pharmaceutical company.

I personally conducted all the interviews, mostly in coffee shops or offices. I asked each individual about work experiences, including training, career prospects, workplace interactions, and work–life balance. I also asked about his or her company's culture and about recent changes in company policy, especially with regard to the hiring and promotion of women workers.

Each interview lasted from one to three hours. I recorded the interviews and transcribed them for analysis; then I read the data closely and selected the parts on sexual behaviors, trying to find patterns in workers' views of them. I used pseudonyms for the names of the companies and individuals.

FINDINGS

This section discusses how women viewed and defined sexual interactions in different workplace contexts. I examine three common interpretations of sexual behaviors in Japanese firms. First, the women workers viewed sexual interactions in the workplace as a part of their jobs when they took clients to hostess clubs, although this response differed depending on their status at work. Second, the women saw men's touching or groping as "joking around" when such actions occurred in an after-work drinking setting. Finally, when sexual interactions took place during regular working hours, they defined the behaviors as sexual harassment.

Taking Clients to Hostess Clubs

Morgan and Martin (2006) reported that U.S. saleswomen who attended strip clubs with male workers expressed responses that varied from viewing the occasions as opportunities for networking, to feeling left out or alienated. Among the workers I interviewed, a couple of women had accompanied male coworkers to such venues, although a majority of the women had not, but knew that men attended hostess clubs and sex entertainment clubs. The women's responses to such customs varied from annoyed to envious, and sometimes a combination of both. Kaoru, a 33-year old at a cosmetics firm, talked about her boyfriend who worked at a trading company: "I don't want him to go to such places … but he has to," she said. "They are all paid for by his company. They go to *fuzoku* (sex entertainment clubs), too. When his friend in the same company made business trips to Thailand and Vietnam, his boss would tell this guy to pick a woman at the dinner place." The men's boss suggested they choose sex workers at the dinner tables.

Tami, a 38-year-old manager, worked in a life insurance company. She and her boss often took the CEOs of client companies to hostess clubs. "It is a part of the sales job," she said. She claimed that she mingled really well with hostess women in the clubs. "I would just join these hostess

women and act like them, joking with my bosses, pouring alcohol for the clients, and chatting with clients and these women. The clients usually like it. They would remember me really well, because they had never seen a female branch manager before.'' Tami found it enjoyable and beneficial to align herself with the hostesses and play up her femininity; it gave her an opportunity to network and also gave her access to organizational power.

Calling herself *oyaji* (the term applied to a middle-aged Japanese salaryman bound to the company) and viewing herself as ''one of the boys,'' Tami attended daily drinking sessions with her bosses, coworkers, and clients, and played golf every weekend. She said, ''I don't care if some of these men hold my shoulder or touch me jokingly. If they do more than just touching, I would tell them to stop it in a nice way.'' She established boundaries by viewing clients' ''joking'' types of touching as acceptable. Tami also never went to hostess clubs alone with her clients; she always went with others, usually her bosses.

Naomi, a 27-year old who had worked as an MR (medical representative) at a pharmaceutical company, offered a contrast to Tami. Naomi described her workplace as full of sexism and misogyny. She said that a large number of women are hired as MRs solely to entertain the medical doctors. Naomi revealed that she spends so much time at these clubs that she sometimes goes straight there from home in the morning rather than going to the office first.

Naomi's workplace consisted mostly of men and was highly male dominated. The women sales workers in the company were explicitly valued for their young appearance and obedience, and were seen as disposable by the time they reached the age of 30. Naomi said:

> Only young women can do sales because the client doctors are mostly men and they like young women… . These doctors hate older women who would say things to them. Most women in this company were concerned and terrified when they come close to the age of thirty, and they usually quit working then… . These doctors would tell me, ''Don't become that kind of woman who cannot marry and just has to work in this company after she passes the age of thirty.'' How miserable that is! Their wives would always tell me to find a good man to marry soon.

Naomi would take her clients to hostess clubs or sex entertainment clubs daily, ''because they want to go to those places,'' but she was usually told to wait for them outside in the car or at a coffee shop:

> These doctors want to go to mostly *kyabakura* [hostess clubs], and sometime *fuzoku* [sex entertainment clubs]. They would not allow me to go in with them. I was told to wait outside in the car or go home. All the time. I could only enter new half clubs [gay clubs]… . I tried to view taking them to these places positively. I mean, they would at least tell me honestly they wanted to go to such places, like they would tell men.

Naomi did not enjoy the routine of waiting outside clubs to make sure that the clients were entertained. What she described to me was a highly misogynistic workplace, in which women are constantly criticized or bullied, and only valued for their youth and their ability to play subordinate roles. In such working conditions, Naomi did try to make the best of things, interpreting her going to the *kyabakura* positively because she could be seen as being "understanding" of the workplace culture, just like male workers. She had few options apart from tolerating the organizational practice of entertaining clients because it was a part of her job. But she eventually left her MR job "to find a more humane workplace."

Unlike Tami, Naomi viewed taking clients to the hostess clubs and sex entertainment clubs as sexist and "not humane." Women workers may enjoy taking clients to hostess clubs if they see it as a marker of organizational privilege, and because access to it is usually denied to women, but they may also view it as a sexist custom when their sole obligation is to please male clients, and when their performance of that obligation directly affects their job evaluation and chances of promotion.

In the United States, some corporations have been cautious about business use of strip clubs because of the risk of sex discrimination lawsuits. When women workers are excluded from such events, they lose clients and miss information, and thus risk losing promotional opportunities. In 1996, more than 20 women at Smith Barney claimed sex discrimination and sexual harassment as a result of male workers' fraternity-like "boom boom room" practices. Morgan Stanley instituted a no-strip-club policy in 2002, and it also paid out $54 billion in 2004 in a case in which a saleswoman was excluded from a trip to a strip club and other client events (O'Donnell, 2006). But while some industries and specific firms may have strict regulations, others continue to use strip clubs for the purpose of networking and the exchange of professional information (Morgan & Martin, 2006, pp. 116–117).

In my interviews with workers in Japan, only a couple of women managers mentioned that they lack access to the men's network, and that not attending hostess club meetings and sexually oriented activities might affect their promotion chances. The revised Equal Employment Opportunity Laws enacted in 2007 prohibited sexual harassment against both women and men. Since then, the Japanese media often talks about the common practice of men forcing other men to visit hostess clubs and sex entertainment clubs after work, and speculates that this could represent sexual harassment against men (Omika, 2007). But there has never been a discussion of whether conducting meetings in such places could harm women workers or the work environment.

Playing the Hostess Role at Drinking Meetings

Former studies have argued that women are reluctant to label and report coworkers' sexual advances as sexual harassment because they see sexual interactions as a part of the job (Giuffre & Williams, 1994). Or, to put it another way, women try to accommodate, or get used to, invasive sexual interactions because they are a custom of the "man's world," and the women feel they need to fit in (Dellinger & Williams, 2002; Denissen, 2009). Woman workers may interpret sexual advances from supervisors or someone in power as "harassment," but they are reluctant to see sexual interactions with "potential partners" as harassing (Giuffre & Williams, 1994). Sexual interactions in the workplace can also affirm women workers' belief in their attractiveness and femininity in highly sexualized work contexts (Loe, 1996). In short, the boundaries between acceptable behavior and harassing behavior can be ambiguous, especially when workplace culture normalizes this type of behavior.

In after-work drinking meetings in Japan, which take place from past dinner time to midnight in restaurants or bars, workers interact informally, chat, perform karaoke, and do stunts. New or young workers are often forced to engage in these stunts, a type of hazing. Women workers are commonly expected to sit next to their male managers or bosses. Also, the women or the youngest workers are expected to "pour alcohol" for the senior workers. Workers and managers in a section or floor may call for these meetings as often as three or four times a week. The traditional aim of such meetings is the enhancement of group solidarity. As Japanese firms emphasize solidarity or conformity, one's willingness to attend these events can affect bosses' informal evaluations.

Women workers commonly drew boundary lines between the sexual conduct that occurs in drinking settings and during regular work hours. However, in the legal sense, invasive and harmful sexual behaviors at these after-hours meetings have been treated the same as similar behaviors during working hours. In 1998, an Osaka court ordered a male worker and his employer to pay compensation because the man forced a female worker down on a sofa, kissed her hands, and put his hands under her skirt at an after-work drinking meeting. The court claimed that the male worker took advantage of his superior position at work, and thus his behavior related to his job. The man's behavior was described as a violation of the woman's personal rights (The Japan Institute for Labour Policy and Training, 2009). However, in 1998, a Tokyo court denied a woman's claim that she suffered from being forced to attend drinking meetings after work, arguing that

forcing workers to attend drinking meetings might be inappropriate, but is not illegal (The Japan Institute for Labour Policy and Training, 2009).

Most of the workers I interviewed saw after-work drinking as an important custom of their company. Many women I interviewed reported having been touched, grabbed, and groped by men at such events. Some women said they genuinely enjoyed drinking meetings, even though there were almost always some forced activities. Yuka, a 29-year-old woman who worked at a cosmetics company, would go drinking after work, usually at nine or ten at night, about three times a week. She said:

> They often force younger workers to perform some stunts, and sing a company's song. The women pour alcohol for the men. I enjoy it. It's fun… . I knew one woman who didn't like such events, and she eventually quit the company.

Rika, a 37-year-old manager at an asset management firm remembered the older male workers saying, "*Ne-chan"* [hey, girl] to her, as if she were an employee in a club. She says:

> These senior men would see us the same as some girls in the clubs. I saw so many non-career-track women who were touched and groped by their bosses who called such behaviors "massage." That was just so normal in the past… . I am a career-track worker, so nobody has touched me.

The boundary line was drawn regarding women's job status, whereby women on the lower rungs were viewed as more susceptible to sexual harassment. Rika thought that men avoided sexual interactions with the few career-track women workers.

Similar to women profiled in the study of tradeswomen (Denissen, 2009) who regarded workplace sexual interactions as something they had to get used to in a "man's world," the women workers I interviewed also saw men's touching in drinking settings as "joking around," or as a behavior that is common in a male-dominated workplace and not something to take personally. Emi, a 38-year-old worker at a cosmetics firm, described sexual interactions in drinking meetings in exactly this way. She said, "I think sexual harassment is a matter of whether you take it seriously or not. I don't take things seriously." Saki, a 31-year-old non-career-track worker at an asset management firm, had moved there from a securities company that is a parent firm of her current company. At the securities company, she was often touched and groped by male workers of her age in drinking settings. "It happened all the time. Some men would grab my chest from behind… . I would respond by twisting their arms when they extended over my body. I always tried to sit far from particular men who would do those things… .

I try not to take things seriously.'' She tried to make jokes out of men's behaviors so as not to offend the men. ''One time I was sick, and this guy came up to me and teased me about being pregnant… . I was furious, but I laughed and said, 'Oh well, it's because you never use protection.' This guy was surprised and left.''

Young workers, and those who are new to a company, consider it especially important to attend drinking meetings and gain recognition from other workers. Some thought that both sexual and nonsexual interactions at such events can facilitate mutual acceptance, recognition, and understanding among workers. But some women I interviewed felt ambivalent about their sexualized role in these situations. Misa, a 24-year old, works at a life insurance company as a career-track worker, and attended the after-work drinking sessions three or four times a week. While she enjoyed the drinking meetings, she was frustrated by the hostess role she was expected to play which included enduring touching and even men laying their heads in her lap:

> The men usually ask me to sit next to them. I don't mind doing that … but then, I feel like I am a hostess in a club. They want me to listen to them. I have to constantly say, ''Wow, that's great,'' or ''I understand,'' and nod to whatever they say. Then they touch my knees. I try to remove their hands from my body without offending them. Those who are in their forties and fifties are usually the ones who touch me, hold my shoulder, and put their faces on my knees… . Nobody helps me.

Misa added, ''I am usually not allowed to sit next to women workers. I can't talk with other women. The men are having fun. I don't share in the fun with these men. I just sit there and smile. I think that's just part of my job.'' Regardless of her being a career-track worker and having an educational background similar to that of the men, she had to put extra effort into being a good listener and not challenging the men. She said she responded to the sexually invasive jokes and touching as if she didn't care about them.

Some women explicitly described men's physical touching in drinking settings as being harmful, and also expressed concerns about the potential repercussions from taking action against these men. Kaoru, a 33-year old, had repeated experiences of being touched, grabbed, and hugged at drinking clubs: ''When I go to drinking clubs, guys will come up to me and say, 'Hey, you work hard,' and put their hands on my neck and shoulders. When I go to the bathroom, guys will follow me and start touching me.'' Kaoru tried to avoid attending these sessions after repeated physical touching by men. Because she had worked at her job a long time, she hoped that not attending might not negatively affect her. But she noted that younger workers seemed

to be in a more vulnerable position, as they could be targets of exclusion and bullying if they refused to take part: "While drinking or performing karaoke, they [male superiors or elders of the sections] would force us to perform some stunts. When you say no, or say something against them, they tend to exclude you at work, too. It happened in my third and fourth year."

Some women resented the cultural imperatives of gender in drinking settings, which relegate women to the hostess role. Like hostess women, women workers are also expected to make drinks and serve food to male workers. Mariko, a 28-year-old worker at a cosmetics company, didn't enjoy drinking meetings:

> When we go drinking, some men totally believe making drinks is a woman's job. I don't mind making some drinks for them, but I hate that they think it is a woman's job. This guy who sits next to me once asked me why I didn't put salad on his plate, while I was still making drinks for him. Even Mama-san [the female owner of the bar] said, "I should put all the food in front of this girl [so that Mariko can serve all the food to the men]." I was really angry. My hands were trembling.

Demeaning women at a drinking establishment often turns out to be a man's outlet for humiliating women workers and gaining a sense of power over them. Akiko, a 30-year-old worker in an asset management firm, was appalled when her boss started evaluating the physical appearances of women workers during after-work drinking:

> He said to my female boss in her forties, "You are old. You don't even have a period anymore, do you?" Then he told another woman that she had too many lumps and marks on her face and she needed to cover them better. Then he said to me, "You look like you would be more suitable as a mistress than for marrying and being a wife." I just couldn't believe him.

She said that all the women sat silently and just smiled back at their boss. "I think the women in this company are more mature than the men, so they just keep quiet and smile," said Akiko. A man's humiliation of women workers follows the hegemonic script of gender in the Japanese workplace, wherein women workers are expected to tolerate men's rude behaviors by shutting themselves up.

Similar to the tradeswomen's informal "coping" responses in the United States (Denissen, 2009), many of the women I interviewed tried to ignore sexual interactions that take place during informal drinking settings, or view them as a "joking" type of interaction to be expected in the male-dominated workplace culture. In the past, a Japanese court (*Kono v. Shimizu Construction Co.* case in 1997) denied a woman's claim of sexual harassment because of her failure to counterattack or take action

(Milhaupt, Ramseyer, & West, 2006, pp. 600–614). While the court eventually overturned the case in favor of the woman, Japanese feminists (Kainou, 2007) criticized the court's gender-biased decision. The findings in this section confirm that women's tolerance of men's actions should not be interpreted as their giving consent (Denissen, 2009; Fitzgerald, Swan, & Fischer, 1995).

Taking Action against Sexual Harassment

Among the 39 women I interviewed, only one had reported instances of sexual harassment to her company. Former studies have found that women report incidents of sexual harassment when violence or the threat of violence is involved (Giuffre & Williams, 1994, pp. 396–397), or when the offensive conduct escalates or persists, or when a third party supports the woman's view of an incident as having crossed the line (Denissen, 2009). Confronting a harasser directly, or having a third person mediate her request to change a harasser's behavior may be risky for a woman, because it may result in counteraccusations against her (Denissen, 2009).

Kaoru, a 33-year-old worker at a cosmetics company, experienced repeated touching and grabbing by men. When she talked with her boss in a conference room, he would start touching her. When she went on an overseas trip, another boss of hers sat next to her on a train and touched and kissed her. Though such incidents continued for a couple of months, she was reluctant to report them to the company: "I just didn't want to make a big deal out of these things. I just tried to leave in such situations, saying, 'Sorry, I need to go,' or 'I have to meet this person now.' I think I have been pretty good about it." Kaoru asked her manager to allow her to go on an overseas trip alone, and avoided intimate interactions with male workers in general.

Denissen (2009) discusses the U.S. tradeswomen's informal responses to troubling situations of sexual harassment in terms of four strategies that women might employ: (1) ignoring the actions, (2) changing one's own appearance and/or actions, (3) withdrawing from the situations or avoiding the offender, and (4) quitting the job. The women in her study resorted to these informal relief measures because of the potential costs of formally reporting the behaviors. Similarly, Kaoru was concerned about being seen negatively by coworkers if she made "a big deal out of the incidents," and therefore she chose to avoid the harassers or the situations in which she had to be with them.

As most individuals in Japanese firms stay on until they retire, women workers, who are concerned about being seen as a problem, are less likely to report harassers to their employers. Furthermore, since Japanese laws did not penalize companies until recently for their failure to have counseling services, training, and prevention programs on sexual harassment, many women may have deemed it useless to report incidents to management. Finally, as a sense of shame and embarrassment operates much more strongly in Japanese companies as a means to control workers than it does in U.S. companies (Kobayashi & Grasmick, 2002), women workers might see reporting offensive sexual behaviors as shameful and embarrassing, and might thus avoid doing so.

Kanako, a 27-year-old worker at a cosmetics company, did report two incidents of sexual harassment to the management over a three-year period. The first incident involved repeated sexual touching by a male coworker. Kanako called the second case (discussed below) a combination of sexual harassment and power harassment. In both cases, the men were immediately moved to different sections within the company.

Many workers in Kanako's company want to work at the headquarters in Tokyo, so the selection process to fill positions there is highly competitive. A couple of years prior to our interview, Kanako was ordered by one manager in Tokyo to move from the local branch to work under him. As soon as she started working for him, the manager asked her to assist him on all his trips and to go to lunch and dinner with him every day. He often indicated that he liked her, and soon started demanding that she call and e-mail him every day after work. Kanako said, "He really liked me… . If I went to lunch with other workers, he would be mad at me. I had to call him and e-mail him every day, and just tell him what happened at work or to me. If I didn't e-mail him back, he would be so angry the next day. So I would return his e-mails… . These people don't understand what sexual harassment is at all."

Kanako's boss would also occasionally make her a target of his bullying. In Japanese companies in which the workers' sense of shame and embarrassment often serves as a means to maintain their compliance (Kobayashi & Grasmick, 2002), managers commonly exert and confirm their authority over subordinates by publicly shaming them. Kanako said:

> He wrote about all of my problems, like … the way I talk, the way I do presentations, the way I instruct training … probably about twenty problems about not just what I do, but also about who I am. Then he made me read the list out loud in front of all the workers… . Nobody could tell him anything. I was crying all the time. It was not just one time. He would not stop his anger until I cried. He never really suggested how to

> improve. Then, whenever I cried, he would come to me and say really kind words to me. It was very strange.

His aberrant behaviors of scolding and consoling, and his demands to e-mail him daily and accompany him on his trips and out to lunch and dinner, lasted about six months. One time, Kanako directly confronted him. "I complained to him that this is 'power harassment,'" she said. "Then it got worse. He got defensive." Kanako eventually went to the company's counseling room and also told the section's general manager about the problems she had endured. Her boss, the harasser, was transferred to a different section, with a demotion.

There may be a few factors that explain Kanako's report to the firm. One study (Uggen & Shinohara, 2009) showed that women in their twenties are the most likely among all age groups to report harassment. Legal changes and sanctions against sexual harassment seem to have had the greatest impact on younger women workers' attitudes. Moreover, the cosmetics firm for which Kanako worked has been known as one of the most women-friendly firms in Japan, mostly because of its efforts to increase its number of female managers, to retain women workers with children, and to provide parental leave benefits. The firm has also long emphasized its commitment to combating sexual harassment. Finally, coworkers had witnessed the boss bullying Kanako in the meeting, and such public evidence might have made Kanako more confident about being assertive and making a formal report to the management.

DISCUSSION

This chapter extends previous research (Williams et al., 1999; Giuffre & Williams, 1994) that shows that where women draw boundary lines between consensual sexual interactions and harmful ones depends on the workplace context. Organizational customs not only shape sexual behaviors, they also shape women workers' responses, and thus the meanings of sexual harassment. Many customs and practices discussed here centered on enhancing men's camaraderie and their display of hegemonic masculinity, with the expectation that women workers would engage in subordinate roles in a display of traditional femininity.

At hostess clubs, some women workers put extra effort into informally accommodating men's sexual behaviors and interactions. Tami, a female manager, even claimed to enjoy the events, while Naomi viewed her job as

inhumane and eventually quit. Most of the women I interviewed did not take seriously men's sexual advances occurring during after-hours drinking, instead interpreting them as organizational customs or simply ignoring them. But some of the women considered men's personal touching, groping, or rude remarks about women's appearances harmful. The workers' informal sexual interactions in after-work drinking meetings often follow a hegemonic gendered script wherein men enjoy camaraderie and women engage in serving roles; such a gendered script can foster men's sexual advances and harassing of female workers, although harassing and harmful conduct are often obscured by the discourse of "joking around." Kanako confronted her harasser and eventually consulted with her firm's counseling room and general manager. Her assertiveness in taking public action might have been promoted by a few factors, such as her having witnesses in the workplace; her belonging to the post-law generation and thus being well informed about her legal rights; and the firm's public effort to eradicate sexual harassment.

Because these findings are based on a very small sample, they cannot be assumed to reflect the situation of all Japanese workers. Further large-scale studies of organizational cultures and practices that legitimize certain sexual interactions and behaviors will be necessary. A study of men's experiences of organizational sexuality would also further illuminate gender inequality in sexual interactions in Japanese firms. The findings do suggest that research on sexual harassment in Japan should take into account the fact that the male-dominant organizational culture, or women's lack of power in the workplace, normalizes or supports sexual interactions that some women consider harmful. As one previous study (Giuffre & Williams, 1994) argued, many women are active participants in the sexualized culture of the workplace, but the hegemonic script about gender legitimizes certain sexual interactions and makes sexual harassment hard to identify and eradicate.

In the context of the United States, Morgan and Martin (2006) suggest enforcing policies that prohibit entertaining clients in settings that restrict women's access, including strip clubs and golf courses, and reevaluating the appropriateness of out-of-the-office entertainment. These suggestions should also inform Japanese firms' use of hostess clubs and the sex industry. At the same time, this chapter argues that the absence of women in middle and upper management in the organizational hierarchy contributes to the maintenance of misogynistic organizational practices in Japanese firms. In addition to policy enforcement to regulate business practices, desegregation of the labor market and the employment structure, as well as equalizing the gender hierarchy in organizations, is necessary.

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FIERCE BITCHES ON TRANNY LANE: GENDER, SEXUALITY, CULTURE, AND THE CLOSET IN THEME PARK PARADES

David Orzechowicz

ABSTRACT

This chapter draws on 17 months of ethnographic observations in the Parade department at an American theme park that I call Wonderland. The Parade department is a homonormative workplace, numerically and culturally dominated by gay men. I examine how this work culture challenges the dominance of heteronormative masculinity often embedded at work through an exploration of backstage interactions among performers. I also explore the gendered and racialized meanings of the camp aesthetic that performers embody. I argue that while Parade culture undermines workplace heteronormative masculinity, it also reproduces the epistemology of the closet through its reliance on the gay/straight binary.

I walk into Green-13, Wonderland's[1] Parade building, at 1:30 pm. Forty-five minutes from clock-in time, the hallways are already alive with the chatter and laughter of performers. I head to my locker, moving from one friend to the next. Even though most of us worked yesterday, we greet

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each other dramatically with hugs, kisses, and sometimes excited screams. I emerge from the clusters of people and into the rows of aqua green lockers. The noise behind me is broken by a well-known voice. ''Wilson Tang!'' Leif, a popular gay male performer, calls out as he wanders through the aisles of Parade lockers. ''Where is that tranny?'' he loudly asks no one in particular. I watch him glance down my aisle as I drop my bag at my locker.

''Hey Britney,'' Stevyn, another gay performer, says as Leif passes. Leif breaks his stride to demurely cock his head to the left, chin tucked to his chest, and bat his eyes. ''Hey gay girl,'' he replies.

Leaving Leif to seek out his friend, I head to Parade Issue to check out my costume, a bright blue shirt with matching silver pants and jacket. As I enter I hear Ricky, a gay assistant manager, greet one of the straight women performers with a cheerful, ''Hey betch!''

''Betch?'' she says, a tone of confusion in her voice.

''That's right. Betch,'' he repeats with a large grin. ''Not bitch. Betch.'' With a bemused smile, she shakes her head and goes about getting her costume.

Back at my locker, I wait with Topher, one of my straight male friends, to clock-in. Friends stop by to say hi, giving us hugs or playfully grabbing my butt. Mike, a popular gay performer, walks by our aisle and does a double take when he sees us. Standing at the end of the aisle he starts to dance, eyes locked on Topher. His hips sway back and forth to a silent beat before he shakes his booty. Then he bends his knees slightly and, pivoting on his toes, swings his legs opens and shut – knees out to the sides, then knees together – as he sinks to the floor, a move that looks sexier than it sounds. While he drops, Mike bites his lip suggestively. ''Is that an invitation?'' Topher asks. He takes a couple steps toward Mike who immediately stands and looks flustered. ''Uh-, n-, uh-. Oh. No!'' Mike stammers with a tone of surprise. ''Oh,'' Topher says, shoulders slumping in mock disappointment. I shake my head. Only in Wonderland parades could a straight man (Topher) get shot down by the gay man (Mike) flirting with him.

Days like this were common in Parades.[2] The department had a high proportion of openly gay-identified men and a set of generally accepted rules for social interaction that were different than any job I had ever read about or held. Even more intriguing is the fact that Wonderland, like theme parks owned by the Walt Disney Company, Universal Studios, and Six Flag Theme Parks, is a purveyor of heteronormative narratives. Given the importance of heterosexuality to the onstage aesthetic, we might expect Wonderland Parades to reproduce a backstage culture that silences or tokenizes sexual minorities (Giuffre, Dellinger, & Williams, 2008; Hall, 1986, 1989; Ward & Winstanley, 2003, 2006; Williams, Giuffre, &

Dellinger, 2009; Woods & Lucas, 1993). Instead, the theme park's tales of heteronormative love and hegemonic masculinity are left in the hands of many men whose everyday backstage performances challenge these same stories.

This chapter draws on ethnographic observations and informal conversations with Wonderland Parade performers to explore issues of gender, sexuality, and race in a homonormative work culture. My description of Parade culture focuses on the hegemonic ways in which male performers "do gayness" (West & Zimmerman, 1987) through flamboyant gender performances that challenge heteronormative masculinity. I also investigate the ways in which this culture challenges and reinforces what Sedgwick (1990) refers to as "the epistemology of the closet," the subordination of homosexuality by heterosexuality that occurs in contemporary Western societies. I argue that Parade culture offers certain challenges to the closet while still reproducing elements of the gay/straight power dynamic.

BACKGROUND

Gender, sexuality, and race are all elements of the organizational structure of work, from the assumptions about ideal typical bureaucracy (Acker, 1990), to workforce composition (Kanter, 1977), and the segregation of occupations (Britton, 2000; Burrell & Hearn, 1989). They are also embedded in work culture. The interactions and norms that govern workplace relations privilege white, heterosexual men (Harvey Wingfield, 2009; Williams, 1992; Woods & Lucas, 1993). White heteronormative masculinity, then, both characterizes and structures advantages in most work organizations. The workplace is therefore a key site for the production of identity and the reproduction of inequality (Connell, 2010).

Workplaces are also the sites for challenges to hegemonic masculinity. Challenges to the prevailing racialized, gendered, and heterosexualized organization of work are enabled and constrained by three factors: numeric, organizational, and cultural dominance. Kanter's (1977) work on men and women in corporations shows that numbers matter. She argues that as numeric representation increases, work culture adjusts to include former tokens. Scott (2005) contends that numeric dominance is not enough. Her work on racial diversity in feminist organizations illustrates that minorities must also have increasing representation in organizational positions of power in order to achieve a more equitable work environment. Ward's (2008a, 2008b) work on racial diversity in Lesbian, Gay, Bisexual,

and Transgender (LGBT) organizations demonstrates that cultural norms and practices can naturalize, legitimate, and reproduce racism even when whites are in the minority.

Research on sexual minorities at work further evidences the importance of numeric, organizational, and cultural dominance in creating inclusive work environments. Heterosexist and "gay-friendly" workplaces often either valorize male, heteronormative sexuality and silence alternatives (Hall, 1986, 1989; Ward & Winstanley, 2003, 2006; Woods & Lucas, 1993), or tokenize sexual diversity at work (Giuffre et al., 2008; Williams et al., 2009). Sexual minorities experience greater sexual freedom of expressions in "gay" workplaces, where heterosexuals are absent or outnumbered (Lerum, 2004; Weston & Rofel, 1984).

Workplace heteronormativity is often sustained through culture. Woods and Lucas's (1993) description of gay men's experiences in professional and white-collar occupations demonstrates how heterosexual privilege is preserved in conversation and everyday objects visible at work such as family photos and wedding rings. In the UK Fire Service, humor and physical contact among male firefighters exclude gay men (Ward & Winstanley, 2006). In both cases, heteronormativity is reproduced through culture.

But work culture can also challenge heteronormative dominance. Coworkers' inclusive language and vocal stands against homophobia can help sexual minority youth feel included at work (Willis, 2009). In gay-owned bars, clubs, and businesses, intimate same-gender contact (Westhaver, 2006), sexualized banter and interactions (Lerum, 2004), conversations about same-gender partners (Weston & Rofel, 1984), and gay-coded objects (Kotarba, Fackler, & Nowotny, 2009) can displace the centrality of heteronormative masculinity in social interaction. For example, members of Delta Lambda Phi, a national gay college fraternity, challenge heteronormative masculinity through campy, effeminate gender performances, drag, and reference to other men in the fraternity as "girlfriend" (Yeung, Stombler, & Wharton, 2006). The role of culture is evident, if implicit, in these studies.

In the Wonderland Parades department, gay men enjoy numeric, organizational, and cultural dominance. In this chapter, I focus on Parade work culture: the discourse, objects, practices, and sensibilities that guide social interactions among performers and naturalize a particular performance of gender and sexuality. I am interested in how the gay male domination of this department challenges the epistemology of the closet, a particular set of hegemonic power relationships embedded in social life.

The epistemology of the closet is a way of understanding the world as divided into binaries that mirror the straight/gay dichotomy: things are

known/unknown, included/excluded (Sedgwick, 1990). These binaries reflect and embed dominant ideas about sexuality in everyday social life. The logic of the straight/gay dichotomy places homosexuality in subordination to heterosexuality. In fact, heterosexuality's meaning and power depend on this subordination (Sedgwick, 1990). Sedgwick uses this framework to deconstruct literary texts, but it also applies to the social world. In the study of work, the epistemology of the closet anticipates that which is coded "gay" will be subordinated to that which is coded "straight," and that the validation of workplace heteronormativity depends on this marginalization. Research on the silencing (Hall, 1986, 1989; Ward & Winstanley, 2003, 2006) and tokenizing (Giuffre et al., 2008; Savin-Williams, 1993; Williams et al., 2009) of lesbians and gay men at work supports this expectation.

But does the existence and reproduction of a gay culture undermine or reify the logic of the gay/straight binary and dominance of heterosexuality embedded in most workplaces? Gay workplaces potentially challenge the epistemology of the closet by disrupting workplace heteronormativity. The culture that develops through interaction may provide sexual minorities with a space to engage in nontraditional, nonhegemonic performances of gender and sexuality, and contest the subordination of homosexuality to heterosexuality. Yet scholars have not explicitly considered what gay work cultures might look like or the extent to which they successfully challenge the logic of the closet. This chapter begins to address these questions through a case study of one homonormative workplace.

In the next section, I discuss my site and my position in the field. The rest of the chapter argues that the presence and enactment of a gay culture undermines the heteronormativity of work but reproduces the gay/straight binary that underpins the epistemology of the closet. I outline challenges to the closet, emphasizing the ways in which men and women reject heternormative masculinity in backstage interaction. I also discuss the camp quality and racialization of Parade culture to explore the aesthetic quality of these challenges. I then turn a critical eye on this culture to explore how it reinforces the epistemology of the closet.

METHODS

My discussion of "gay" work culture comes from 17 months as a Parade performer at Wonderland, an American theme park. I draw on over 2,000 hours of on-the-job fieldwork and many informal conversations with

people in the department. All names in this chapter have been changed to pseudonyms. "Wonderland" is a Disney-like theme park. It boasts attractions for adults and children as well as an array of entertainment. Like Six Flags, Disney, and Universal Studios parks, Wonderland offers its guests the chance to meet characters, see staged shows, and watch traveling parades in the park. I performed in five such shows during my time in the field, working with and observing a couple of hundred performers.

My entrée into Parades was accidental, the result of a failed bid to work as a character in the park. In March 2008, I attended a Wonderland character audition, hoping to get an insider's view on these performance jobs for a comparative project on actors. I was cut, but one of the casting directors offered me a role in a new medieval parade. Eager to get a foot in the door, I accepted. While I never succeeded in becoming a park character, I did become fascinated with the social world of Parades.

Parade performers engage in physically demanding, repetitious labor. In choreographed movement, performers traverse a set route through the park at a slow pace on or in procession with floats. Choreography is done to short, two- to three-minute songs blasted from speakers on floats and along the route. In a typical, forty-minute parade, performers repeat the same choreography dozens of times. Some roles are more difficult than others, and cast members possess a range of technical dance skills. There is also variation in what is worn, both within and between shows. Some performers are covered head to toe in a heavy costume to look like one of the park's characters, while others wear more comfortable, lighter, form-fitting costumes that display their faces. Performers work in temperatures ranging from 40 to over 100 degrees Fahrenheit, depending on the time of year. Even in the coldest weather, performers come off the parade route drenched in sweat. Regardless of the weather and weight of the costume – which can exceed 30 pounds – workers must give physically and facially animated performances.

Parade life unfolds in two locations. There is the parade route, a commandeered section of paved walkway through the park that hosts a parade one or more times a day. Then there are the backstage areas performers use to prep and relax. It is in these backstage spaces that performers develop, maintain, and share the culture I describe. The most important of these spaces is Green-13, the Parade department building. Every workday begins and ends here, as does much of the prep work. Green-13 is home to performer time clocks, lockers, costumes, and changing areas. As the primary space for backstage work, Green-13 is an important site in which performers engage in Parade culture.

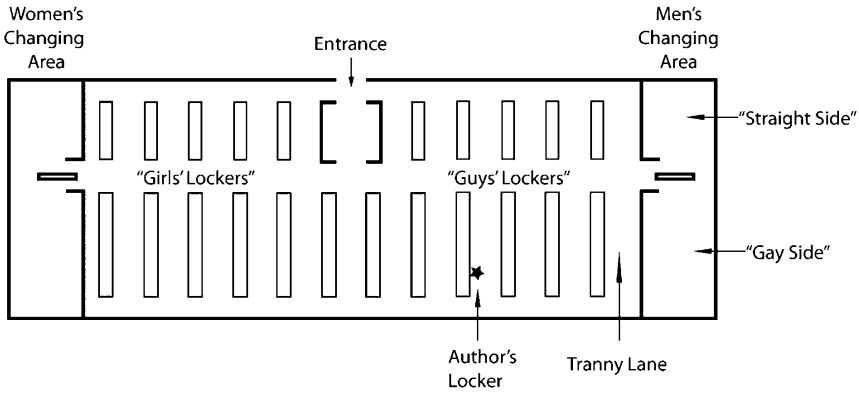

Fig. 1. Performer Locker and Changing Areas. *Note:* This is a floor plan for one section of Green-13, the building that housed the Parade department. Shown in the figure are the locker aisles and changing areas performers used daily; they were important social spaces and a primary site for the use and dissemination of Parades' homonormative culture. Major places of interest are identified, and discussed later in the chapter. While the figure is not to scale, differences in size are intentional. The "straight side" of the men's changing area, for example, was smaller than the "gay side."

Rows of aqua green lockers fill one large section of the building (see Fig. 1). The main entrance to Green-13 splits the aisles of lockers in half, with "girls' lockers" to the right and "guys' lockers"[3] to the left. Bookending the locker aisles are the women's and men's changing areas. The last aisle before the men's changing area is called "Tranny Lane," a well-known location in Green-13 that I describe later in the chapter. The men's changing area is split by a plaster divider. During my fourth parade, the two sides were called the "gay" and "straight" changing areas, labels that reflect the dominant sexual identity of the performers that frequented each. Changing areas were home to much social activity in the half-hour before or after a parade.

There were roughly equal numbers of male and female Parade performers. This was largely structured into the parades themselves because all roles were gendered. Some were explicitly gendered. For example, partnered dancing always took place between a man and a woman. But sometimes the gendering of roles was less clear. While there were no gender-ambiguous characters, the gender of the performer in the costume did not always match the character. In general, however, there was equal gender representation. Racial and ethnic composition of casts was less stable.

Character look-alikes, like Universal Studios' Marilyn Monroe, Six Flags' Batman, and Disney's Cinderella, were the only explicitly racialized roles; otherwise it was easy to replace performers with someone of a different racial or ethnic background. My casts were roughly fifty percent white. Nonwhite performers were mostly Latino and Asian/Pacific Islander, with Black/African-American performers consistently the smallest racial/ethnic group in a cast.

About 80 percent of men in Parades openly identified as gay. This estimate comes from conversations I had with performers about the gay-to-straight male ratio. Some performers guessed a percentage. But on a few different occasions my coworkers and I counted the number of straight-identified men in the parade and compared that to the number of male spots. Men whose declared straight identity was suspect were counted as heterosexual, despite some performers' firm, contrary beliefs. There was also variation in the proportions between shows and within a show, as the cast of a parade was constantly changing.

While male homosexuality was openly performed and discussed, women's homosexuality or bisexuality was not. About five percent of female performers openly identified as lesbian or bisexual, or confided same-gender interests to me in private. It is possible that there were more women who did not identify as heterosexual, but such identities were the exception in Parades.

My reliance on data gathered from prolonged, highly participatory fieldwork provides certain strengths and limitations. Participant observation allows the researcher to see events unfold. I approach sexuality as a product of social interaction (Stein, 1989; Plummer, 1996). While most research on sexual minorities in organizations draws on interviews,[4] I witnessed firsthand the intimate social interactions that occurred backstage as performers "did" gender and sexuality.

I was, however, constrained by physical space. I could not, for example, observe interactions in the women's changing area. The location of my locker – in the middle of the men's locker aisles – also put me in social contact with men more often than women before and after a parade. My limited access to women's spaces impacts my perception of Parade culture. I also lack systematic interviews, and am unable to make strong claims about how Parade workers interpret and understand the department's culture. I use informal conversations recorded in my notes to incorporate others' experiences in Parades. But in general I keep my discussion grounded in my direct observations of the enactment of gender and sexuality.

CHALLENGING THE CLOSET

Wonderland Parade culture presents an intriguing empirical case of ''doing'' gender and sexuality at work. It employs a large number of gay-identified men in what is otherwise a traditionally structured, large organization. This stands in stark contrast to the corporate work settings, dominated by heterosexual men, in existing research on sexuality in large organizations (Ward & Winstanley, 2003; Williams et al., 2009; Woods & Lucas, 1993). The department challenges heteronormative masculinity in a few important ways.

Performers share the belief that men are ''gay until proven straight''; that is, all men are assumed to be gay. Three factors sustain this belief. First, gay men numerically dominate Parades, accounting for 80 percent of male performers. Second, gay men socially and organizationally dominate Parades. They are show directors, choreographers, managers, and assistant managers. The most popular men in Parades, the men who are well known if not also well liked, are gay. Laying claim to the space with loud, dramatic, and often humorous presence, these men exert considerable social influence at work.

Finally, the Parade department is characterized by a particular homonormativity – ideas and practices that make male gayness appear natural, normal, and right (Ward, 2008a, 2008b). The shared culture of Parades subverts heteronormative masculine dominance in meaningful ways. Wonderland workers recognize that the ''gayness'' of Parades goes beyond the high concentration of gay-identified men, though they never identify this extra quality as ''culture.'' The culture includes ironic use of gendered language, discussions of drag and same-gender interests, gay-coded language, stylish fashion, a shared taste in pop divas, and sensibilities of how male bodies should be seen and come into contact at work. These elements of Parade culture challenge a key premise of the epistemology of the closet. That which is ''gay'' is not marginalized or excluded from the workplace, but central and dominant. This particular homonormativity produces a sort of ''gay face,'' a collection of popular, digestible stereotypes that challenge hegemonic masculinity and conflate male effeminacy with gayness.

Parade performers often use language in a way that subverts and challenges commonly gendered meanings. Men often talk about one another as ''girl'' or ''gurl,''[5] reference themselves and others as ''she'' and ''her,'' and call close gay friends ''sisters.'' Nicknames appropriate gendered language. I worked with men known as Margo, J-Lo, and Britney.[6] ''Bitch''

is also frequently used in interaction with and talk about male and female performers, usually without the offensive meaning it carries outside Parades. Dylan talked about practicing for a new parade at home, saying, ''You better believe a bitch moved all the couches in her living room to go over parading choreography.'' Mike described an overnight rehearsal, saying, ''Gurl last night at rehearsal I almost died! All that damn smoke and shit! A bitch can't see!'' The use of ''bitch,'' ''her,'' and ''gurl'' subvert the common gendered meaning these terms have as references to women and as insults to both women and men. In fact, backstage in Parades these gendered terms are rarely negative. That performers, particularly gay men, use gendered language to reference themselves and their friends – performers rarely call a man ''gurl'' unless there is familiarity – often make them terms of endearment.

Parade life sometimes revolves around discussions of drag. Explicit talk about drag fluctuates in the department, and is usually reserved for conversations about a man's recent or upcoming drag show. But drag, and the conscious dramatization of gender performance it involves, is more consistently and casually present in the use of *tranny*. Performers conflate doing drag with being a tranny, using the terms interchangeably. Typically, ''tranny'' is used by men who perform in drag outside of work to reference themselves or other male drag performers.

''Tranny'' is most often used to reference a particular place: ''Tranny Lane,'' the last row of lockers before the men's changing area. The origin of Tranny Lane's name is in its ''inhabitants,'' most of who do or have done drag. It is a well-known landmark in the Parade department, familiar to performers, choreographers, and management.

Performers casually talk about drag and ''trannies'' at work, and sometimes employ the discourse as a source of humor. One day after parades in the men's changing area, a couple of men used ''tranny'' discourse to satirize ''The Girls Next Door,'' a television show about the Playboy Ranch.

Jack [a gay Tranny Lane resident]: ''I want to open a Tranny Ranch.''
Dylan: ''Can you call it the Tranch?''
Everyone erupts into loud laughter.
Jack: [with a large grin on his face] ''Do I have to pay you royalties if I use it?''
Dylan: ''No. Just put my face on the door.''
Jack: ''OK.''
Someone cracks a joke about tarantulas being part of the décor, playing on the homophonic qualities of ''tranch'' and ''tarantula.'' Someone else sarcastically responds, ''That's real classy.''
Dylan: ''You're having sex with Trannies. How classy can it be?''
David: ''They could be classy trannies …''

> Dylan: "Not if I'm the [hiring manager] … [changing to a short, quick, commanding tone] 'Spread your legs. [short pause.] I'm sorry. Nothing fell out. We can't use you.'" [more laughter.]

The joke begins with a playful combination of the words Tranny and Ranch ("Tranch"). It peaks with Dylan's insistence that the "Tranch" cannot hire "classy" Trannies – that is, men who can carefully hide their sex while in drag. If a man's genitalia do not "fall out" when he spreads his legs, his drag performance is too convincing, too "classy," for Dylan's taste. The appreciation of unconvincing drag performance is part of the joke, the ironic approval of a failed effort.

The Tranch joke is possible because drag, referenced here with the term "tranny," is an important discursive reference in this culture. Humor is culturally constitutive. It requires shared knowledge about the reference so that play on and transgressions regarding the referent are commonly understood.

Despite Dylan's comment that sex with trannies is not "classy," the tone and atmosphere of the joke seemed playful and not intentionally hostile. Everyone in the changing area was friends with one or more of the male drag performers in Parades. Drag performance and "tranny" discourse are common and normalized in this space, so much so that the discussion of the Tranch was both humorous and mundane. The joke lived and died in the changing area. It was just another conversation about trannies and drag in Parades, noteworthy for my field notes but not to circulate around the department.

Parade culture also includes a set of gay-coded terms. New performers need to learn whether a parade is "sexual!" (a good thing) or "a hot mess" (a bad thing). You figure out what it means to "get it." It can be an affirmation; if you get an enviable parade role, someone might acknowledge the achievement saying, "Get it 5-day dancer!"[7] It can also describe one's performance in a parade. To say "I was *gettin'* it on route today!" is to brag to your coworkers that your choreography was well executed, you felt high energy, and your performance was noteworthy.

The most common gay-coded term is "fierce," a substitute for "cool" or "amazing." Struck by your sense of fashion, a man might say, "Gurl! That shirt is *fierce*!" Brought into many American homes by Bravo's 2008 Project Runway winner Christian Siriano, whose own flamboyant presentation of self reinforced the gay code of this discourse, these terms were already used in certain gay subcultures. Fierce actually became popular in the 1980s' New York City ball scene (wordofthegay.wordpress.com). Its use in Parades exemplifies how performers at times draw on gay subcultures outside of

work to guide workplace interactions in ways that naturalize a homonormative masculinity.

Another element of this homonormative culture is the content of conversation. Gay men openly discuss male crushes and current or former boyfriends. The male body comes under the gaze of performers, and men frequently check out and compliment the bodies of male coworkers. Backstage this manifests as playful flirtation between men. All men are regularly objectified in this way, regardless of sexual identity.

Discussions of sexuality are also explicitly gay or about men. Rarely do straight-identified men boast about their sexual conquests of women. They lack the audience. Such stories would mark them as a "player" among the women in the department. It is far more common to hear gay-identified men talk about their sexual conquests or preferences. They bemoan how long it has been since they last had sex or openly discuss their preferred role (to give or receive) and position. I sat in on conversations about cockrings, oral sex, and the hypothetical or actual physical endowment of male performers. Even humor was highly sexualized in a homonormative way. During the winter holiday season, Domenic sang a modified Christmas song over lunch. Instead of "All I want for Christmas is you," he crooned "All I want for Christmas is splooge"[8] to startled snorts of laughter from the table. The joke is shockingly explicit and professes a nonheterosexual desire for another man's semen. Part of the humor, in fact, is the juxtaposition of this desire with a job that entails promoting heteronormative narratives (especially during a holiday that commercializes heterosexual romantic love and family values).

Performers also talk about a particular type of music. Individual tastes among performers span a broad range of genres and artists. But at work, female pop stars are the most widely shared and discussed set of musicians. Divas like Lady Gaga, Beyoncé, Janet Jackson, Britney Spears, and other female singers dominate the music selection for daily pre-parade warm-ups. While not the sole or even most common topic of conversation, these divas nevertheless constitute an important shared reference upon which social interaction and relationships are built. For example, one night before "A Winter Wonderland," the holiday parade, I watched a young gay man in the costume of a female character do the entire choreography to Beyoncé's "Single Ladies." It was, to quote one of the other performers watching, "fierce," and everyone nearby laughed and applauded.

The Parade department also gets coded as "gay" through male performers' fashionable attire. As an aesthetic enterprise, fashion, both the type and style of clothing, is constructed as a feminine and gay industry

(Entwistle, 2004). The clothes worn to work, then, become important objects workers at Wonderland use to "do," ascribe, and conflate gender and sexuality.

Sometimes gay men in Parades explicitly interpret fashion as a sign of sexual identity. One night, I listened to Domenic, who is biracial (Latino and African-American), and Jon, who is Asian American, discuss the sexuality of Will, a white coworker with whom we had been hanging out earlier in the evening.

"He's definitely gay," Domenic says.

"How do you know?" I ask.

Domenic tells me to look at how Will was dressed tonight. (Will had worn a designer button-down shirt, designer jeans, and cowboy boots.) I point out that Dawson, my straight, white roommate and our coworker, is a smart dresser. Domenic acknowledges this is true, but insists there is a difference in how Will and Dawson dress, one he believes reflects a difference in sexual identity. But when I press him to explain, he cannot articulate the difference. More importantly, his interpretation needs no justification in Parades. The department's culture lends itself to and legitimates such readings as appropriate and "natural."

A man's interest in fashion, then, opens the doors to question his sexuality because it transgresses traditional masculinity. Fashion's association with many of the openly gay-identified performers and more generally as a gay industry helps explain the impulse to read dress as a sign of sexual identity. A well-put-together outfit, fitted and made of designer pieces, becomes a material set of gay-coded symbols in much the same way that pictures of kids are read as symbols of heterosexuality (Woods & Lucas, 1993).

Beyond the general association of looking good with being gay, there are a few specific props men, usually gay men, frequently include in their outfit. Several men wear tight, brightly colored Capri pants to work. Oversized sunglasses are common, especially the day after a big party. Scarves, handbags, and clutches are also frequent accessories. Combined, these props are an arsenal of gay-coded objects that men often deploy in the performance of a particular homonormative masculinity, one that at times is diva-esque in its execution.

Performers also share a sensibility about how men's bodies should be seen at work that departs from heteronormative masculinity. Catwalking, for example – dramatically stalking around as if one is on a fashion runway – was familiar backstage. Men might strike a dramatic pose in conversation, or covertly try on female wigs.[9] Such performances contest traditional

notions of how the male body should move (with hips snapping left to right pausing only so the body can strike a pose) or look, and place men's bodies on direct display at work.

There are other, more subtle ways in which men "do" nonhegemonic masculinity. I was in the field a year before I even became aware of them, in part because I lacked a vocabulary to identify them. Jason, a gay Parade performer from Tranny Lane, brought them to my attention. During an audition, we watched two gay coworkers talk and flirt. Several people had already commented on how alike both young men were, though they had never met before today. Jason pointed out that they both "clutch the pearls" when they laugh, lightly placing one hand on their upper chest, palm open, where it is easy to imagine a pearl necklace might hang. He also noted how they "pop the hip," shifting their weight to one side so that their hips stuck out. After that audition, I noticed other men in the department engaging in similar performances.

The sensibility (conscious or not) regarding masculinity and male bodies is another way in which sexuality is inferred by coworkers. "Popping the hip" is particularly important in Parades. Hips are constructed as a feminized body part in American culture. Perhaps this relates to their association with child bearing, how the body moves while in heels, or the way in which they get sexualized such that hips in motion suggests a body out of control, the opposite of heteronormative masculinity that emphasizes control and restraint. Whatever the reason, there is a definite sense that hips play a role in the performance of male sexual identity.

This sensibility includes physical contact between men. During downtime before, between, and after parades gay men would sometimes rest on one another, heads on shoulders or in laps. Backstage, some men would hold each other's hands or stand embraced while they talked. For a few weeks, before our call time, one young gay performer would come find me seated on the floor chatting with some friends and curl up like a cat between my legs, one of my thighs acting as a pillow. The first time he did this, he caused a brief pause in our conversation. But then we shrugged as if to say, "OK. Only here." In general, performers recognized that "only in Wonderland Parades" would these things be so mundane. Sometimes interactions were more overtly sexual, like occasional groping. I was startled the first time someone grabbed my butt. By the time I left, I did not flinch. All men, regardless of sexual identity, occasionally received similar treatment and sometimes initiated it with another male coworker. In any other workplace the behavior might be inappropriate. But playful, sexualized contact was so common in Parades that it lost its taboo.

PASSING IN PARADES: STRAIGHT MEN IN A "GAY" WORK CULTURE

The dominance of a homonormative culture in Parades subordinates male heterosexuality to male homosexuality. Outside Parades, gay men face many situations where they must choose to "pass" as straight through careful performance and impression management or to endure social stigma. Straight-identified men encounter a similar experience when they come to work in Parades. Though few claim a counterfeit gay identity, straight men use the shared props, practices, and discourses available at work in ways that render their sexuality somewhat ambiguous.

Flirting is one important way straight men playfully challenge heteronormative masculinity through common workplace interactions. It might be a light, playful brush up a gay man's neck, a locker room serenade, a sexual invitation that goes unfulfilled, or a joke that gets as far as a straight performer dropping to his knees in front of a gay coworker, mouth open. However far it goes, straight men find ways to engage in flirtatious play with gay men in the department, play that occasionally leads others to say, "Sometimes I wonder about (insert name) …"

Straight men also employ discursive elements of Parade culture. After receiving some playful attitude from Petey (a gay man), Thomas (a straight man) loudly shot back with a smile, "Ever since she got [a new spot], she thinks she's all that." Another night, while hanging out with Domenic at his apartment, Timmy, his straight roommate and fellow Parade performer, got ready to turn in after a long day at his second job as a volunteer fire fighter. He bid us goodnight, adding, "She's tired. She was swinging a pick for eight hours today," in a feigned whine. We all paused before breaking up in laughter. This is a man whose deep, mellow voice and frequent use of "dude" would better fit a stereotypical southern California surfer. It is also not uncommon to hear straight men say "fierce" or "get it" backstage, often with a sense of irony that recognizes how these terms play with, and potentially challenge, traditional conceptions of heteronormative masculinity.

In order to really fit in, straight men must engage with this homonormative work culture. Although this requires them to perform a different – more "feminine" – version of masculinity than they might otherwise choose, they seemed comfortable enough doing it. A couple of straight men even admitted they enjoyed the attention – and I believe that others did, too, given the general willingness of Parade workers, gay and straight, to engage in the culture.

NOT "THE ONLY GIRL": STRAIGHT WOMEN IN PARADES

The homonormative masculinity that characterized Parades also impacted the work lives of women. My limited access to women's spaces in the department meant I was not consistently exposed to the same intimate social interactions among women, nor could I observe women engage with the homonormative culture of Parades in the same way I could observe men. Despite these limitations, I did capture – through observation and informal conversations – some important experiences women had in this "gay" department. Many women had one or more gay best friends, someone to cuddle, hold hands, and exchange kisses with backstage. They sometimes shared pet names, referring to each other as "husband" and "wife." Occasionally two female friends would playfully fight over a gay coworker, each claiming him as her boyfriend.

I got the sense midway through my fieldwork that women felt physically comfortable and possibly "safe" in this work culture. Performers could (and sometimes had to) change out of their costume in an outdoor backstage area immediately after a parade. The changing space was enclosed by buildings on three sides and a series of head carts on the fourth.[10] Several carts in a row block most views that non-Parade workers might have as they walked by. Performers could take a backstage shuttle to Green-13 to change, but most women undressed next to their male coworkers without hesitation.

The sexual identities of gay men also rendered their flirtations safe. Lacking "real" intention, gay men's intimate contact was not received as sexual harassment from what I could tell. One afternoon, Abbey, a straight woman, and Ben, a gay man, got into a playful fight. What began as light slapping quickly dissolved into a wrestling match, both struggling and sometimes laughing as they groped each other's chest, butt, and crotch. Though rare, I saw gay men grab women's breasts backstage. Sometimes gay men were invited to cop a feel. For Sonia and PJ, it was a routine part of their friendship, a dynamic I expect made easier by the fact that coworkers often called PJ the "gayest" Parade performer.

When I asked women how they felt about these interactions, no one admitted to feeling sexually harassed. And there were no known instances of performers being fired for harassment during my time in the field. This does not mean that women enjoyed or were comfortable with the attention. It indicates that the behavior was normalized and constructed as acceptable, rather than inappropriate, in this space (Dellinger & Williams, 2002).

The homonormativity of Parades also allows straight-identified women to more openly express their sexuality. As I have already described, this culture objectifies the male body and normalizes sexual and romantic interests in men. Sharing similar, if not the same, sexual and romantic interests creates common ground for straight women and gay men. Many straight women bonded with gay male coworkers over lunch discussing who they think is attractive in the department. Some women admitted a need to "get laid" or "hook up." On more than one occasion I heard a table of straight women join gay men in a discussion over who could "deep throat"[11] the most. In general, I observed that women in this workplace were not as open or explicit about their sexuality as gay men, but they seemed able and willing to express sexuality in Parades, perhaps more than they would in other workplaces.

Several straight women described the advantages of working in a homonormative department. In a group of gay men, some women do not feel like "the only girl." Jade, a straight performer, admitted she loved working in Parades: she is a flirtatious person, she said, and her flirtations do not get "misinterpreted" by her gay male coworkers as they might by straight men. Sonia expressed similar feelings, noting that the absence of sexual interest on the part of gay men made work friendships easier. Abbey, the straight woman whose wrestling match with Ben became quite physical, felt that it was easier to talk about sex with her gay male coworkers. Versions of these ideas were expressed by other women in Parades, and support the idea that challenges to heteronormative masculinity impact both men and women at work.

AESTHETIC CHALLENGES TO HETERONORMATIVE MASCULINITY

The challenges that Parade culture pose to workplace heteronormativity produce a particular aesthetic; a camping of gender and sexuality performances. Theatricality, style, and irony comingled with flamboyant gender performances in social interaction. This is not camp as an aesthetic of consumption, but camp as performed aesthetic, as an enacted sensibility (Dyer, 2002; Ross, [1988] 1993; Sontag, [1964] 1999).

Elements of Parade culture take on this camp aesthetic. Performers often used gendered language with a sense of irony. Referencing a man as "she" or "girl" intentionally mislabels that which is known (i.e., someone's

gender). This kind of inversion plays with the meaning of conventional gender categories (Johnsen, 2008). Performers also play with and invert the derogatory meanings of gendered terms. When a performer raves about a coworker saying, "I *love* that bitch," or proclaims him- or herself as "such a bitch" with a smile and tone of pride, it is rarely mean spirited. In fact, being "bitchy" backstage in a job that demands a sweet, happy onstage disposition employs irony to challenge management's demand for smiles on the parade route. It is a dramatic, theatrical way of highlighting one's skill in performing happy and nice by suggesting that he or she is anything but these things.

The conflation of femininity and gayness in this particular homonormative culture seems to reify stereotypical femininity. But Parade culture does more than reproduce the feminine. It *camps* the feminine. Performances of masculinity include *theatrical* femininity laced with irony, which is distinct from emphasized femininity (Connell, 1987). Drag, fashion, and female divas are all closely associated with forms of camping femininity in popular gay culture (Kates, 1997, 2001; Sontag, [1964] 1999). This flair for theatricality and irony position Parade culture in clear opposition to the heteronormative masculinity found in many workplaces.

Implicit in the gender performances of Parades are assumptions about both race and masculinity. The culture challenges white heteronormative masculinity through the appropriation of racialized forms of popular culture (Lopes, 2002; Watkins, 1994). The expressive, theatrical, stylish, and sometimes flamboyant aesthetic involved in camping gender performances appropriates elements of historically black popular culture (Gay, 1987; White & White, 1998; Yearwood, 1987). "Fierce" and drag have roots in the 1980s' New York City Ball scene, dominated by men of color. Pop divas that dominate shared workplace music taste are women of color (e.g., Beyoncé and Janet Jackson), or white women (e.g. Britney Spears and Lady Gaga) whose work draw on historically black musical styles. Even the association of style with masculinity reflects a racialized challenge; contemporary popular culture often conflates the styles of people of color with what is *in*-style (Malone, 1996; Pattillo-McCoy, 1999; Willis, 1993).

The relationship between gender, sexuality, and race in Parades became apparent one afternoon before work. Topher, my straight black friend, and I were talking about Tee, a black assistant manager and performer in other Wonderland shows. Tee was popular – well known and well liked by many performers. He was facially and vocally expressive on and off the parade route, and used "fierce" with ease. A sharp dresser whose outfits were sometimes accessorized with a stylish scarf, Tee's performance of

masculinity at work had many elements that would mark him as a gay man. During my conversation with Topher, I casually referenced Tee as one of the gay men in the department. ''Tee's not gay,'' Topher interrupted to correct me. ''He's just black.''

Any white man giving the same performance of masculinity at work would struggle to convince his coworkers that he was straight. Fashionable scarves, in particular, undermine such a claim since they only served an aesthetic – as opposed to a functional – purpose. Recall how Will's good taste in fashion conflicted with commonly held beliefs regarding the heteronormative masculinity of white men. But for Tee, fashion, facial and physical expressiveness offstage, and ease in using ''fierce'' were signs of his racial, and not sexual, identity: he's not gay, he's black.

Challenges to white heteronormativity are also evident in the social hierarchy of Parades. Men of color are overrepresented among ''popular'' performers relative to their numeric representation in the department. Though white men accounted for about 50 percent of male performers, the proportion of popular male performers that were white was significantly less. Men of color better exemplified the hegemonic performances of masculinity in the department. This gives further evidence of the racialization of Parade culture. Men of color were seen as having the ''right'' style and sensibility, which made their relatively high representation among popular performers ''natural.''

REPRODUCING THE CLOSET

The success of Parade culture in undermining the epistemology of the closet is tempered by the fact that the ''gay until proven straight'' rule and the factors that legitimate its dominance in Parades reinforce the basic binary opposition upon which the closet is built (Sedgwick, 1990). The gay/straight binary continues to be the basis for understanding social relations (Sedgwick, 1990). The process of coding something in Parades as ''gay'' draws on the epistemology of the closet. While the labeling process occurs through social interaction within the department's social and physical boundaries, it is accomplished with repertoires people bring in from outside. So although certain dynamics of the closet change in this space, the basic principle – that people and things are gay *or* straight, known or unknown, spoken or silenced – is reproduced.

Reification of the closet through the ''gay until proven straight'' rule happens first on a discursive level: men are *gay* until proven *straight*.

These are the two primary means through which men's behavior are classified. During the run of one parade, there was a "gay side" and a "straight side" to the men's changing area. Compared to the rest of Wonderland, Parades was a "gay" department, implicitly labeling others as "straight." Even describing oneself as performing "with a gay smile," as Domenic did during our break one afternoon, serves to sort the social world into one of two categories, even when the object or act labeled is not about same- or cross-gender attraction.

The homo/hetero binary also occurs in the construction and ascription of men's sexual identity. There is little room for performers to claim a bisexual identity that others accept. Men are seen as either gay or straight. Rarely do performers directly disavow the possibility of male bisexuality. Instead, it is discredited through suggestion. I heard performers challenge a man's bisexual identity claims saying, "He *says* he's bi," in a tone that silently added a "but" disclaimer. In general, bisexuality seemed to be interpreted as confusion or a place of transition rather than a legitimate sexual identity.

Performers try to discern and sort the sexual identity of new men in Parades into the gay/straight binary. Gay men in particular are quick to conflate performances of gender and sexuality among male coworkers. Performance of nontraditional masculinities through engagement with gay-coded repertoires are read as signs of a gay identity, even though the rules of hegemonic masculinity in Parades legitimate campy male femininity as the "right" way to do masculinity. Every claim to a straight identity is questioned at some point. Challenges are rarely direct, even if many performers agree with Dominic that "if they say they're straight, then they're straight … even if I know better." Instead, rumor and speculation circulate through the department as performers question male coworkers' claims to a heterosexual identity. Markers that would guarantee a straight identity in other workplaces, like a wife and children, could not stave off rumors that Abel was "in the closet." His flamboyant masculinity, locker on Tranny Lane, and handbag were all too powerfully coded as gay to allow him a questions-free straight identity.

The continued reference to gay sexuality in this workplace is a challenge to the epistemology of the closet, but it also reinforces the notion that homosexuality is male (Sedgwick, 1990). The Parade department is widely understood by performers to be a gay *male* space. Women's same-gender interests and desires are rendered invisible, as "gay" refers to male not female homosexuality. There were a few lesbian-identified women among performers; their limited presence was paired with a limited degree of openness. The homonormativity of the department, which valorizes the

"campy" feminine, provided cultural repertoires that reinforced the conflation of biological femaleness with heterosexuality.

This has two implications for the silencing of lesbianism. First, it means that the general rule for women is still "straight until proven gay." Second, it increases pressure on women to silence their own nonheterosexual interests. A few women quietly confided crushes on other women to me, not wanting it to get around the department. Even "out" lesbians found it difficult to openly act on or discuss these same-gender attractions. "It's hard being a lesbian here," one white woman said with resignation, noting there were few who shared her interests. So while Wonderland Parade culture challenges the marginalization of male homosexuality, women continue to work within the traditional confines of the closet and the dominance of heterosexuality over homosexuality.

The homonormative masculinity that characterized Parades also marginalized other ways of performing "gayness." Men in Parades draw on and subsequently reify popular associations between flamboyant effeminacy and "gayness." This serves to exclude other ways of "doing gayness" – this is not a department of bears, faeries, or leather daddies (Hennen, 2008). These sexualities are subordinated as much as women's same-sex interests.

The coding of Parades as a gay department by workers in and out of the department also obscures the importance of race. Doing gender and sexuality in Parades is about rejecting white heteronormative masculinity. However, the elements of popular culture important to performances of gender and sexuality in Parades appropriate black ideas, style, aesthetic, and practice. While sexual identity may enjoy greater visibility in Parades, the role of race is marginalized and forced into a different closet. If Sedgwick is correct in asserting that the world is divided along the gay/straight binary so that things are known/unknown, spoken/unspoken, race replaces sexuality as the unknown, unspoken factor in Parades.

Performers are aware of race more generally. They joke about race and racial stereotypes, typically referencing themselves or their friends. But the connections between race, gender, and sexuality are rarely made. The day that Topher corrects me – saying "Tee's not gay. He's just black." – is a rare moment when the link is explicit. My mistake was viewing Tee's performance of masculinity through a white, heteronormative aesthetic lens. Any straight-identified white man engaged in a similar performance of masculinity as Tee (think back to the story of Will, for example) would have his sexual identity called into question. Rarely did performers reflect on the racialization of masculinity in play. The importance of race to the

performance of gender and sexuality means that Parade culture challenges *white* heteronormative masculinity.

CONCLUSION

The culture of Wonderland Parades is an intriguing case of gender and sexuality at work. On the one hand, Parades' homonormativity challenges the subordination and exclusion of homosexuality in the workplace. The work culture upends the power dynamic of the gay/straight dichotomy, subordinating heteronormative masculinity in a social domain it typically claims. Many performers experience very real benefits from this power shift, including greater acceptance, visibility, and ease at work. These victories are tempered by the equally real fact that the culture continues to legitimate the gay/straight dichotomy, privilege *male* over *female* homosexuality, and exclude/silence other performances of gender and sexuality. Parade culture also renders race invisible despite its mediating role in the conflation of gender performance with sexual identity.

Challenges to heteronormative masculinity are spatially limited and bound to the park. Off Wonderland property, performers encounter a world that continues to privilege heteronormativity. In some ways this increases the value of Parades. An extraordinary workplace that values and legitimates certain manifestations of "gayness" as normative, its rarity makes it all the more precious for those who fit in.

More generally, however, this chapter demonstrates the degree to which a numerically dominant minority group can challenge traditional power dynamics at work through workplace culture. Workers can influence hegemonic rules of interaction and shape *how* work gets done. But the large presence of gay men does not guarantee equality. As we see in Wonderland Parades, swapping one culture for another can reproduce silence and exclusion. While the numeric dominance of a minority group has the potential to create workplace equality, in practice it may fall short.

This chapter raises some unanswered questions about homonormative work culture that deserve attention. I have described one cultural repertoire that marks a workplace as "gay." But there is more than one way to "do gayness" and challenge white heteronormativity (e.g., Hennen, 2008). Future research can explore the governing social dynamics of other homonormative work cultures, and where (geographically, occupationally, and socially) they occur. Research suggests, for example, that the performing arts allow and may even enable nonheteronormative performances of

gender and sexuality (Burt, 1995; Pascoe, 2007). We should also begin to examine social and historical forces that enable the development of heteronormative masculine work cultures and their alternatives. Such inquiry allows us to further unpack the structural basis of these cultures and the embeddedness of race, class, gender, and sexuality within those structures. Finally, we need to critically explore the ways in which work organizations capitalize on local, worker-produced cultures to garner worker consent, extract additional labor, or serve a specific group of consumers.

NOTES

1. All names in this chapter have been changed.
2. Throughout the chapter, I refer to the Parade department as "Parades." The capital "P" is intentional; it distinguishes the department from the activity, in the same way that we might differentiate between Marketing (the department) and marketing (the activity). When I discuss "parades," I reference the shows themselves, not the department organized around the shows.
3. These were the labels used by performers and management to reference these areas. Despite the label, a few men and women were assigned lockers on the "wrong" (cross-gender) side. I believe the company's goal was to separate men and women and reduce the risk of someone changing in or out of costume around a member of the opposite sex. However, if there were no lockers on the gender-appropriate aisles, newly hired performers were given lockers on the "other" side.
4. A few notable exceptions include Lerum, 2004; Ward, 2008a, 2008b; Yeung et al., 2006.
5. The "u" in "gurl" elongates the "er" sound of "girl."
6. These nicknames reference famous female pop stars: Margaret Cho, Jennifer Lopez, and Britney Spears, respectively.
7. Parade performers regularly discuss their "spot," which is a combination of their role(s) and their schedule in this/these role(s). A "5-day dancer," for example, is someone scheduled in the role of dancer five days a week. Dance spots were often seen as the "best" spots, requiring greater technical dance skill.
8. Slang term for semen or male ejaculate.
9. Wonderland policy prohibits performers from wearing any costume or wig not assigned to them. Failure to adhere to this rule can result in a discipline up to termination of employment. However, performers sometimes ignored this rule and, despite the threat, no one I knew was fired.
10. Head carts are wheeled storage containers that look remarkably similar to the luggage carts towed between terminals and planes on airport runways. About 8 feet long, 6 feet wide, and 7 feet tall, they house costumes and character heads (hence the name).
11. The ability to fit the entire penis – tip to base – in one's mouth while performing oral sex on a man.

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MAKING INDIA THE "MOTHER DESTINATION": OUTSOURCING LABOR TO INDIAN SURROGATES

Sharmila Rudrappa

ABSTRACT

This chapter examines the emergence of India as a site for surrogacy, which has led intended parents from all over the world to contract with Indian gestational surrogates to carry "their" babies for them. Through participant observation in a surrogacy workshop, interviews with American intended parents, and interviews with Indian surrogates, I show how ideologies of normative, nuclear families built around genetically similar children, drives American consumers' desires to seek fertility intervention, and, finally, surrogacy. In India, gender ideologies shape the contours of an inexpensive, compliant labor force of surrogate mothers.

In October 2007, Oprah Winfrey interviewed a white, middle-class American couple, Jennifer and Kendall West, who had traveled to Anand, India, to hire a surrogate to have a baby for them. Ms. West tells Oprah and her television audience that "the culture shock [at being in India] at first was just so much … I definitely had a lot of those moments when you just kind of step out of yourself and look at your surroundings and just think, 'How did I get here?'" In this chapter, I explore exactly this question; how did the Wests,

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like the various intended parents I interviewed from different parts of the United States, both heterosexual and gay, end up halfway across the world, hiring Indian surrogates to have their babies for them? Although the United States is the top destination for surrogacy tourism (Ragone, 1998; Ikemoto, 2009; Lee, 2009), India is emerging as a key site for hiring surrogate mothers. Currently, surrogacy is estimated to be a $445 million business in India, with the Indian Council for Medical Research projecting profits to reach $6 billion in the next few years (Sehgal, 2008; Rengachary Smerdon, 2008).

I propose that India has emerged as an important site for transnational surrogacy for three reasons, all of which are deeply gendered: the development of a consumer market in surrogacy; the availability of inexpensive, compliant labor in India; and the coordinated work of independent firms that give consumers in the United States access to this labor. Having a baby through gestational surrogacy in India costs intended parents anywhere from $20,000 (Lee, 2009) to $45,000 (interviews, January–March 2010). Indian surrogate mothers earn $2,800 (Lee, 2009) to $9,000 (personal communication with interviewees). In comparison, American surrogate mothers can make up to $25,000 for their labors (Teman, 2010). In addition, labor market conditions in India are such that it is far easier to have a compliant labor force of surrogates. But how do consumers in the United States contract with Indian surrogates? This access is organized through various market intermediaries. In surrogacy, conception and pregnancy are functionally disintegrated, and eventually integrated, with the processes involved in oocyte extraction, sperm donation, conception, and implantation of the fertilized egg, the hiring and surveillance of surrogates, and the eventual movement of newborn babies across the globe.

There is a vast feminist literature on infertility and lesbian/gay parenthood in the social sciences (Becker, 2000; Franklin, 1997; Ginsburg & Rapp, 1995; Inhorn & van Balen, 2002; Inhorn, 2003, 2007; Lewin, 2009; Mamo, 2007; Markens, 2007; Ragone, 1994; Rapp, 1999; Spar, 2006; Teman, 2010). In addition to the recent heightened media attention, surrogacy in India has been examined both in law (Lee, 2009; Rengachary Smerdon, 2008) and sociology (Bharadwaj, 2002; Hochschild, 2009; Pande, 2009). In this chapter, I merge the literature on infertility and surrogacy with a critical examination of consumer and labor markets (Peck, 1996). I pay particular attention to market intermediaries who play a central role in organizing these markets.

Surrogacy deals with a fundamentally different kind of consumer product than most other market products because the end point in the production process is a baby, who is central to fulfilling the desires in both intended

parents and surrogates for a normative, middle-class, nuclear family with two parents. My intention is to provide a transnational feminist analysis of the gendered, global labor markets that shape and are shaped by the seemingly local, individual, idiosyncratic notions of desire for nuclear families based on genetic resemblance.

Surrogacy in general, but especially in cases where individuals from the global North hire women from the global South, raises strong reactions (Dasgupta & Das Dasgupta, forthcoming; Subramaniam & Roy, 2010). Many of the individuals involved – surrogates, intended parents, and market intermediaries – may recognize that these transnational market exchanges are morally ambiguous. This recognition is apparent in the way many interviewees in my research emphasize that surrogacy is a choice that makes a difference in their own and the surrogates' lives, and that transnational surrogacy is useful for all involved. My approach to transnational surrogacy is not to deem these practices "good" or "bad," but to examine how surrogacy markets emerge through a focus on individuals who participate in such markets. How do they get to be a part of these global labor and baby circulations? What feelings and emotions are evoked through their participation, and how do they make sense of their locations in these global circulations? To get to social actors' realities, I built on Foucault's notion of positive ethics, which conceives of ethics as a "set of practical activities that are germane to a certain way of life" (Mahmood, 2005, p. 27). My analysis here is to encourage an examination of transnational surrogacy through perspectives that are "particular, pertaining to a specific set of procedures, techniques, and discourses through which highly specific ethical-moral subjects come to be formed" (Mahmood, 2005, p. 28). Through explaining how emotions drive consumers and how labor markets drive transnational surrogacy, my purpose is to outline the contours of how free will, choice, and agency operate in an already unequal world structured by global labor markets.

I begin by describing the methodology for this study, followed by a discussion of the globalization of infertility intervention and the growth of assisted reproductive technologies (ARTs) in India. Next, I examine the emergence of consumer markets in surrogacy and the organization of a labor market in surrogates. I show that while infertility management and surrogacy are often framed as painful for both intended parents and surrogates, this system provides choice through market transactions in eggs, sperm, medical services, and surrogates. Thus, choice is central in managing the social and emotional pains wrought by childlessness. However, my research shows that parents choosing transnational surrogacy actually have

limited choices. Then why opt for transnational surrogacy? The answer lies in the lower costs of outsourcing pregnancy to India and the ability to work with a compliant workforce. This worker compliance is reinforced through market agents, who provide their international clients access to cheap labor markets in surrogates. Through describing transnational surrogacy, I show how consumer and labor markets are crucially structured around gendered ideologies. The ideal of a nuclear family with genetically similar children drives consumers' desires. On the other side of the world, gender ideologies again are central to making available a compliant labor force of surrogate mothers. It is not just Indian women's sexed bodies, but also their gendered lives that makes them desirable workers in a global surrogacy market.

METHODOLOGY

This chapter is part of a larger research project that examines the cultural politics of ARTs in India. The study is based on participant observation in an infertility clinic in Bangalore, India, interviews with Indian women and couples utilizing ARTs, interviews with intended parents from the United States who have used Indian surrogates, and interviews with Indian surrogates. The interview sample of intended parents, all in long-term relationships, includes both gay and heterosexual individuals and couples and individuals from different racial, ethic, and class backgrounds.

As part of this larger project, I have completed two field visits to Bangalore and Hyderabad, India, during the months of June, July, and August in 2008 and 2009. In 2008, I interviewed on the telephone two Indian women wanting to become surrogate mothers. These interviews were preceded by numerous email exchanges. I also conducted telephone as well as face-to-face interviews with seven infertility specialists in Hyderabad and Bangalore. Over summer 2009, I conducted participant observation in two infertility clinics in India. Participant observation consisted of sitting in on doctor–patient consultations for 3.5 to 4 hours per day, six days a week. In addition, I read patient files. Of the numerous cases I observed, only five were for surrogacy, all of which involved Indian citizen intended parents. I interviewed 20 infertile couples or individual women, 2 lawyers drawing up surrogacy contracts, and 8 doctors who worked at this particular clinic, providing fertility assistance.

In addition, I attended a surrogacy "workshop" in Dallas in January 2009. The workshop, organized by a medical tourism company, brought together their in vitro medical specialist from Mumbai, India, to meet with

American intended parents. The workshop was held in the Hyatt Regency at the Dallas Airport because all attendees, including me, flew in for the 2-hour workshop, and flew back to our respective hometowns on the same day. All had learned about the workshop on the web.

And finally, I have conducted seven telephone interviews with straight and gay couples and individuals in the United States. These interviews lasted between 1 and 2.5 hours. I followed up these interviews with email exchanges as well as repeat telephone calls. This part of my research – like the participant observation conducted in Bangalore, India – is ongoing. Many of the interviewees maintain blogs on their experiences with transnational surrogacy to share their knowledge about the process and facilitate the process for others who might be interested in embarking on a similar quest.

I have also depended on the Internet for media articles on surrogacy in India. Through Internet search engines, I identified popular articles and television stories published in the United States, Canada, and the United Kingdom. In addition to the articles, I looked at readers' comments on these publications/television features. I also used the web to access information on the countless surrogacy agencies that advertise their services to American intended parents. The popular medical tourism companies are PlanetHospital, Surrogacy India, Surrogacy Abroad Inc., and Medical Tourism Corporation. These blogs, media stories, and websites for medical tourism companies are important sources of data because I learned that these are among the first sites that intended parents use in their investigations on transnational surrogacy.

MEDICAL DEVELOPMENTS AND THE GLOBALIZATION OF FERTILITY INTERVENTION

Although earlier technologies of reproduction, namely birth control, decoupled sex from reproduction, the contemporary technologies of reproduction, namely, ARTs, disengage reproduction from sex. That is, the heterosexual act of penetration is no longer necessary for reproduction because intrauterine inseminations (IUIs) and in vitro fertilizations (IVFs) can lead to conception. This has been the case since the first "test tube" baby, Mary Louise Brown, was born in Britain on July 25, 1978, just five years after *Roe v. Wade* legalized abortion in the United States. Within three years of Mary Louise Brown's birth, the first American IVF baby was born,

and in 1984, the United States saw its first successful egg donor case, when eggs from one sister were fertilized and implanted in another, leading to a successful pregnancy. These experimental, cutting-edge technologies were very quickly converted to commercial use. By 1987, Dr. Richard Paulson in southern California had recruited a group of married women with children to donate their eggs, which would be fertilized with sperm and implanted in infertile women (Mundy, 2007, pp. 48–49). By 1993, Paulson and his group had performed successful donated egg pregnancies in women over 50 years of age (Mundy, 2007, p. 50).

In the 30 years since the first case of IVF, medical technologies have made tremendous advances in conception and childbirth, all of which have moved very quickly into the market and to the consumer. Gay Becker, among the first sociologists to research infertility in the United States, writes that when she began her research in 1984, only 1 of 28 couples she interviewed considered IVF an option. There were no IVF programs in the Bay Area where she was conducting her research. By 1991, there were seven IVF clinics in the Bay Area, and of the 134 couples she interviewed, 31 had attempted one or more cycles of IVF. Interviewees who had not as yet attempted IVF reported they would consider it if all other options failed (Becker, 2000, pp. 9–10).

The growth of ARTs in the United States has been phenomenal. The National Survey of Family Growth calculates that 15 percent of all American women reported use of some kind of fertility service in their lifetime, including medical advice, tests, drugs, surgery, or other treatments (Parham & Hicks, 2005). In 2001, 41,000 children were born as a result of IVF, 6,000 from donated eggs, and 600 from surrogate arrangements in the United States (Spar, 2006). In 2004, 130,000 cycles of IVF were conducted, which resulted in the birth of 50,000 children. This represented a 128 percent increase from 1996 (Mundy, 2007). Fertility assistance is a $2 billion a year industry in the United States; approximately 1,000 women undergo IVF every week (Markens, 2007, pp. 180–181). Many of these IVFs use donor eggs. In 2003, the Centers for Disease Control and Prevention said that 12 percent of all IVF procedures used donor eggs, which translated to 15,000 rounds of IVF performed on mothers who gave birth to children not related to them genetically (Mundy, 2007, p. 21).

The separation of conception and pregnancy, and the innumerable cycles of IVFs that women have undergone since 1978, have not completely demystified conception, but have contributed to a better understanding of the processes involved, thus leading to more effective fertility intervention. The complex choreography involved in conception has been carefully

studied, broken down to its simplest components, particular procedures subcontracted out, and finally reengineered back together into an embryo that can be grown into a baby nine months down the road. All that is needed for a potentially successful conception is a mature, fertile egg, healthy sperm to fertilize that egg, and a woman willing to have the embryo implanted in her. The process of maturing eggs and preparing the uterus for implantation is made possible by a slew of hormones such as Clomid, Pregnyl, Lupron, and Synarel. Because all of this does not guarantee a pregnancy, gynecologists, andrologists, embryologists, and reproductive endocrinologists mediate the entire procedure, extracting tissue, testing cells, and tracking every stage of embryonic development.

If intended parents are unable to produce their own sperm or eggs, they can purchase them through intermediaries who control market access to these germ cells. If mothers are unable to carry a fetus full term, or if gay men want to father children, then wombs can be "rented," again, organized through market intermediaries. Either the intended mother's eggs or donor's eggs are fertilized with the intended father's sperm, and embryos are implanted into the surrogate who will then nurture the fetus to full term in her body.[1] And finally, at the end of this medically, legally, and commercially mediated process, the intended parents receive a baby.

Until recently, the United States had been an important destination for infertile heterosexual and gay couples from around the world wanting to hire surrogates (Ragone, 1998; Ikemoto, 2009; Lee, 2009). Today, however, surrogacy agencies in Russia and Slovenia tap into European markets, where restrictive domestic laws make such technologies unavailable in countries such as Italy, France, and the Netherlands (Lee, 2009). In addition, countries such as Israel and India have become infertility tourism hotspots.

India's first IVF baby was born just 67 days after Mary Louise Brown, on October 3, 1978, in Calcutta (Bharadwaj, 2002, p. 319). The second and more widely documented IVF birth in India occurred in 1986 in Mumbai, through the joint efforts of Drs. Anand Kumar and Indira Hinduja (Bharadwaj, 2002, p. 323). Ten years after Mary Louise Brown's birth, in 1998, three other doctors in India including Dr. Sulochana Gunasheela in Bangalore had successfully delivered IVF babies (interviews, 2008 and 2009). With the medical expertise in place, the facilitation of global trade in services through the General Agreement in Trade in Services, the availability of cheap drugs, access to cheap labor, India's weak regulatory apparatus, and, finally, the commercialization of surrogacy in 2002, India was set to become the "mother destination." Just over 30 years ago, the birth of

Mary Louise Brown through IVF was viewed as a radically new and ethically disturbing medical development. Today, however, IVF is remarkably commonplace. Although earlier, infertility interventions were all performed within a single nation state, today that is no longer the case. Oocytes from white women in the Republic of Georgia or South Africa, sperm from the United States, and surrogates from India are all brought together to make babies at the lowest costs possible for intended parents anywhere in the world.

THE CREATION AND MAINTENANCE OF CONSUMER MARKETS

Because surrogacy is about babies, it is also about dreams and desires. For both the surrogate who is the worker, and the straight and queer intended parents who are consumers, transnational surrogacy holds the promise of a normative, middle-class, nuclear family with two parents and their biological child. A website for one infertility clinic advertises, ''Come as a couple, leave as a family'' (Schulz, 2008), reiterating the common belief that a couple without children cannot possibly be a family unit.

Because of the emotions involved in childbirth and surrogacy, there is often a masking of the reality that there *is* a market transaction in babies. Deborah Spar (2006) notes that ''we don't like to think of children as economic objects. They are products, we insist, of love, not money; of an intimate creation that exists far beyond the reach of any market impulse.'' Spar continues that recent innovations in medical technology and business organization have ''created a market for babies, a market in which parents choose traits, clinics woo clients, and specialized providers earn millions of dollars a year'' (2006, p. xi). To propose that there is a market in babies is *not* to suggest that egg and sperm donors, intended parents, surrogates, and the various market mediators who bring the parties together are immoral because they move ostensibly sacrosanct aspects of life, that is, family, love, and reproduction, into the realm of the market. Instead, the purpose is to explain how such a consumer-driven commodity chain comes to exist, being shaped while simultaneously shaping individuals' experiences of infertility, feelings of loss, and potential for recovery.

The literature on infertility, including surrogacy (Spar, 2006; Mundy, 2007) is replete with notions of choice; that is, couples and individuals managing their infertility choose from a plethora of treatments from IUIs to surrogacy. Yet surrogacy is not the first option for individuals and couples.

Instead it becomes the last resort for individuals to have a baby genetically similar to them. The intended parents' decision-making process, often described in the literature as the slippery slope of assisted fertility decision making, reflects the increasing medicalization of conception, involving the escalation of infertility management from hormonal injections to stimulate eggs, to failed IUIs, to failed IVFs, and, finally, to surrogacy. Thus, while parents do have a choice, this choice is heavily mediated by the promise of technical fixes, with the promise of fertility and a genetically similar baby just one medical treatment away. As a result, individuals almost always choose greater medical intervention, hoping to acquire the miracle child in the next round of medical interventions. Similarly, choice is seen as central to the operation of surrogacy. That is, intended parents exercise consumer choice in purchasing eggs, sperm, and choosing surrogates.

In the following section, I will explain how this choice works in global surrogacy markets. First, I explain how intended parents choose surrogacy in India as a fertility option. Next, I will show how this choice limits their ability to choose egg donors and surrogates. Thus, transnational surrogacy opens up the possibility of genetic resemblance among parents and offspring for those who might have been priced out of the domestic market; yet, transnational surrogacy is not as amenable to consumer choice as is domestic surrogacy.

CONSUMER CHOICE IN SURROGACY

Cynthia Travers, a 49-year-old African-American woman in an interracial marriage with a white man for close to 20 years, currently lives in the New York area. She decided she had "enough of traveling around, and it was time to settle in." She and her husband tried to get pregnant, but discovered that she faced infertility. Her doctor suggested fertility assistance, but Cynthia was highly skeptical of the hormonal regimens that form the basis of such treatment and worried about the long-term effects of taking such drugs. Very early upon discovering that she was infertile, Cynthia decided she would hire a surrogate. She worried about the costs of domestic surrogacy, but when she saw the October 2007 Oprah Show featuring the Wests and Dr. Nayna Patel, she felt options open up to her. She picked up the phone and contacted Dr. Patel in Anand, India.

Mark Hoffman, a straight, white man from Boston in his late 30s said that his wife could not have children because, although her eggs were viable, she was born without a uterus. He despaired that his wife had all the ideal

characteristics of being a wonderful mother, but had been denied by biological fate. She felt hurt when she saw pregnant women or women with their own children because she knew she was unable to be a mother herself. Upon reading various blogs of individuals who had used surrogates in India, and through consultations with a gay couple who also lived in the Boston area and had used a Mumbai doctor's services, the Hoffmans decided to go to Mumbai.

Tom Pollock, a mid-30s white man living in the Bay Area, explained that his wife, a first-generation immigrant from Fujian, China, suffered from lupus and was unable to get pregnant for health reasons. She longed to have children. Her parents, living in China, had reconciled themselves to a life without grandchildren because they felt it was an impossible dream. Surrogacy, Tom said, opened up a world of possibilities because they too could now have children who are biologically similar to them. He began to explore surrogacy in the United States, but was overwhelmed by how expensive it was, and also by the seemingly insurmountable difficulties in coordinating the services offered by medical establishments with American surrogates' needs. He explained that he found surrogates, but they did not want to work in the infertility clinics he deemed suitable, and that the clinics he chose were unwilling to work with the surrogates that he had found. Coordinating surrogacy in the United States, according to him, was a nightmare. He said he was glad to have found Dr. Nayna Patel because of the October 2007 Oprah Show. Dr. Patel provided a full slew of services, right from extracting his wife's eggs, fertilizing the egg with his sperm, finding a surrogate, monitoring the surrogate's health throughout the pregnancy, delivering the baby, and preparing all the paper work needed to transport the baby back to the United States. All this, he said, was done under one roof, thus reducing his work.

Both Mark and Tom indicated that, in a large part, their wives were fortunate in knowing that while they had healthy eggs, they could not sustain pregnancies. Such knowledge about their medical conditions precluded them from prolonged cycles of IUIs and failed IVFs, which many couples describe as being physically and emotionally debilitating. The Hoffmans and the Pollocks had used their own eggs and sperm to create embryos, which were implanted in Indian surrogates' bodies. However, not all women have viable eggs. Jennifer Watts and her husband went to Mumbai, India, to have her eggs extracted so that they could initiate the medical process of surrogacy. When she was told that she did not have any viable eggs, Jennifer says she was emotionally devastated because she felt she had done so much and traveled so far only to see failure. However, she

said her husband was very supportive; he urged her to see that the point of this entire process was to have a baby, and they still had a shot at it. The Watts then selected an Indian egg donor whose eggs would be fertilized in vitro with Michael Watt's sperm.

In many cases of infertility among heterosexual infertile couples, the wife initiates conversations on surrogacy. Reading Zara Griswold, author of *Surrogacy was the Way* (2006), is instructive. She says she did not have viable eggs because of ovarian cancer and an hysterectomy in her early 20s. She writes that "as a young woman without any female organs, I felt like a freak. I felt empty physically and mentally. I figured I would never find somebody who was willing to marry me" (2006, p. 21). When she met Mike, whom she eventually married, she notes that she "always carried this guilt … that Mike couldn't have a genetic child because of [her] defect." When she learned that with an egg donor, Mike would be able to have a biological link to a child, she thought, "that would be so awesome" (2006, p. 25). Mike initially did not want to pursue surrogacy, and would have been happy to adopt a child. Zara, however, insisted. She even had an egg donor who had similar physical characteristics as her, so there would be familial resemblance to both intended parents.

For many heterosexual women, such as Zara Griswold who do not have viable eggs, passing on their genes and having a genetically similar child is not possible. Why, then, do they opt for surrogacy and not adoption? Becker (2000) notes that for many of her women interviewees, the inability to produce eggs was mediated by "mourning the loss of being able to see [their] partner in a child" (2000, p. 72). Women consciously or unconsciously feel that having a child who has a genetic connection to the father strengthens marital bonds. Becker argues that "maintaining the biological lineage through a child that is not only biologically related but that visibly resembles the father may reinforce patriarchy" (2000, p. 72). The men in her study who faced infertility, however, did not talk about the importance of seeing themselves in their children. They hoped that through donor insemination, their wives could experience pregnancy.

Becker (2000) suggests that genetic ties are seen as unmediated and pure, thus leading to strong families. Nelkin and Lindee (1995) note that biological determinism is embraced in a new form, genetic essentialism, which "reduces the self to a molecular identity, equating human beings, in all their social, historical, and moral complexity, with their genes" (cited in Becker, 2000, p. 68). Thus, they say that "a biological entity can determine emotional connections and social bonds—that genetics can link people to each other and preserve a reliable model for a family" (Becker, 2000, p. 68).

Many individuals in the United States view children, but especially children with genetic ties to parents, as the bedrock of family. Genetic ties are seen as primordial ones, more authentic and true, and far surpassing the intensity, and therefore quality, of socially mediated ties. It is not that parenthood is not recognized as socially mediated; instead, genetic ties are perceived as leading to a qualitatively better and deeper social bond between parent and child. Thus, for many individuals, becoming parents to genetically similar children becomes a crucially important life event, and the growth of commercially available infertility interventions now makes it possible for infertile and gay individuals to have genetically similar children.

The persons I interviewed, however, were not all adverse to the idea of adoption. In fact, two of the gay couples had attempted adoption. Brad and Martin, a gay couple in their late 20s living in Atlanta, said that they were ready to start a family. They knew adoption agencies would deem them less than ideal parental candidates because they were young and gay. However, they investigated adoption through a private agency, which scrutinized their lives and their home. The fact that they had steps leading up to their home and that they had a boxer dog as a pet did not bode well for the couple: the agency advised them to buy a different home and get rid of their dog if they wanted to adopt.

Jeff and Geoff, a Chicago couple who were together for 18 years, were initially interested in surrogacy in the United States but were priced out of the market. They spent three or four years trying to build their family through adoption. Jeff told me they did not want to go through state adoption agencies because they worried about the intensive home evaluations, which seemed very invasive. Plus, in spite of laws that protect against discrimination, Geoff had heard that many state agency workers tended to discriminate against gay couples. He felt they would rank low on the priority list for adoption. He also worried that because they would be deemed unworthy parents, the agency would place the more difficult children with them. He had heard stories that state agencies remove children from adoptive homes if birth parents reclaim parental rights. Jeff empathized with birth parents and recognized the right of a parent to be reunited with his/her child, but on the other hand, he did not want to cope with such uncertainties when building his own family.

So Jeff and his partner opted for a private agency that would work with gay parents. He said the discouraging thing about these agencies is that "if you have the money you get a child you want very easily." One of their friends had had success through a private agency. After just a month's wait, they had received approval to adopt a child at the cost of $60,000. Jeff and

Geoff had been assigned as adoptive parents to twin boys, and they were excited. But the birth mother was nowhere to be found when the babies were due. When she finally reemerged, she "had changed her mind."

By chance, one morning in February 2008, Jeff saw a short segment on surrogacy in India on NBC's Today Show. After having watched the segment, he went to his computer and began his research on surrogacy in India. Jeff said, "In two hours I came out and told my husband, that's it. We're going to India." By March 2008, they were in touch with various surrogacy agencies in India. Finally, after being together for over 18 years, Jeff said that he and Geoff embarked on parenthood. They had two daughters, each fathered by one of them, and separated by a month in age. They had used the same Indian egg donor, but two different Indian surrogates at a Mumbai clinic.

Infertility treatment and surrogacy has historically not been available to all individuals. That is, infertility assistance is stratified. Shellee Colen, who first defined the term "stratified reproduction" in 1986, explains that "physical and social reproductive tasks are accomplished differentially according to the inequalities that are based on hierarchies of class, race, ethnicity, gender, place in a global economy, and migration status that are structured by social, economic, and political forces" (2006, p. 380). The physical, intellectual, and emotional labors involved in pregnancy, childbirth, childcare, and socializing children is differentially experienced, valued, and rewarded, and stratified by race, sexuality, and class. Likewise, fertility assistance is not universally accessible to all persons in the United States. Infertility rates are 6.4 percent for white women and 10.5 percent for African-American women (Parham & Hicks, 2005), yet in the mid-1990s, 27.2 percent of white women used fertility assistance, compared to 12.8 percent of black women (Roberts, 1997). Although women of color experience infertility at higher rates than white women, the latter resort to ARTs more extensively (Wellons et al., 2008; Roberts, 1997; Mundy, 2007). Those most likely to seek fertility services are college educated non-Hispanic white married women with incomes 300 percent above poverty level, with some form of private health insurance (Parham & Hicks, 2005).

The globalization of surrogacy, on the other hand, opens up the possibilities for those who earlier did not have access to genetically similar babies. Among the participants at the workshop on infertility I attended in Dallas, for example, were a Latino–African-American couple from Atlanta, Georgia, and two couples composed of white women married to Indian men. Likewise, interviewees in my research include older gay couples; younger gay couples with limited financial resources, including one African-American gay

couple; and interracial couples, in addition to heterosexual, white couples. There is similar diversity in the various media stories. As a medical technician from San Antonio who had twins through an Indian surrogate observes, "Doctors, accountants, they can afford it, but the rest of us – the teachers, the nurses, the secretaries – we can't … unless we go to India" (Gentleman, 2008). Thus, in contradiction to the commonplace belief that surrogacy is a fertility practice pursued by rich white people, transnational surrogacy in India opens the possibilities for a wider range of individuals and couples to have genetically similar children. As Atlanta interviewee Brad said, he and his partner Martin had not built much equity because they were only in their late 20s. Neither had they reached a point in their careers where they were making good earnings. As they had more or less been shut out of adoption, going to India was the easiest option for having a child. They had used an Indian egg donor, and one of the two men's sperm.

In summary, the literature on infertility management in general and surrogacy in particular is suffused with language of individual anguish, but also hope expressed through market choice. That is, while the pain of infertility is felt at a deeply personal level, where the discovery of being infertile seems to shatter a coherent sense of self (Becker, 2000), individuals seek to recover coherent, adult selves, and "manage" their infertility through various market options.

As individual consumers, they exercise control at every level in the production of their babies. They make decisions about where they will purchase eggs, where they will buy the technical skills needed to make an embryo, and, finally, who will be their surrogate. Thus, a central aspect to surrogacy markets is consumer choice (Spar, 2006; Mundy, 2007). Yet, my research shows that couples using surrogacy services in India do not seem to have as much choice as do those who can afford such services in the United States. In the following section, I will discuss the operation of choice in surrogacy markets, and how ideal choice might be limited for intended parents pursuing transnational surrogacy.

Consumer Choice in Selecting Egg Donors

The first level at which intended parents exercise their consumer choice is in deciding which eggs to use. Mundy (2007) describes a gay couple's search for eggs that would be fertilized by both their sperm and implanted in a surrogate. The couple chose an agency called A Perfect Match, which specialized in "good-looking, high SAT-type, blue chip Ivy League or

the equivalent egg donors, whose oocytes run $10,000 and considerably higher" (Mundy, 2007, p. 138). Like the couples who talked with Liza Mundy (2007), many intended parents using surrogates in the United States purchase eggs through donor companies that depend on mostly college-educated women. Most of these college-educated donors receive information about egg donation through ads in local newspapers, specifically campus newspapers. Businesses such as Options National Fertility Registry advertise regularly in 60 campus newspapers. They have operators standing by, fielding questions from young women who may have the right combination of beauty and brains that potential parents demand (Blackley, 2003). Websites of companies dealing with eggs describe donors as being altruistically motivated because they want to make a difference in families' lives by making a child possible. Yet, the price women donors demand can vary (Hobbs, 2007). The term egg "donation" is a misnomer. While there is no doubt that many women decide to "donate" their eggs to help individuals who cannot produce their own, there is money exchanged. This money, egg donor companies' claim, is not for the oocytes but is compensation for the women's time and effort that goes into harvesting their eggs. Yet, even though the production of eggs is not dependent upon the donor's skills or intellect, not all women are compensated equally for their "effort" or time. Some get $2,500 for their efforts, while others can command up to $50,000 depending on their pulchritude, talents, and intelligence quotas assessed through admissions to Ivy League schools.

American intended parents using transnational surrogacy, if unable to use their own eggs, *seem* to have a plethora of choice in picking out their egg donor. They can ship women over from the United States or other parts of the world to India so that eggs may be extracted, or they can use Indian egg donors. Some agencies send an American egg donor (almost always a white woman) to Mumbai, India, where her eggs are harvested. These procedures cost far less in India than in the United States where higher costs result from doctors' fees and the price of drugs. An advertisement that appeared in the Duke University campus newspaper in February 2009 is an example of such processes:

> Proactive Family Solutions program is unique. In addition to monetary compensation, we give our donors a free trip to India where the egg retrieval takes place… . The medical appointments won't take much time, which means your two weeks in India will be largely a vacation for you. You will have significant time to explore and absorb a fascinating culture as well as shop, tour and enjoy the nightlife. (cited in Darnovsky, 2009)

PlanetHospital presents yet another business model. Dr. Rudy Rupak, president of the company, says that because of the growing demand for white women's eggs, his company flies donors to India from the Republic of Georgia. PlanetHospital's surrogacy package with an Indian donor costs $32,500; a package with eggs from a Georgian donor costs an additional $5,000 (Cohen, 2009).

The most economical option is to use Indian egg donors, the choice of all my interviewees who could not use their own eggs. Jennifer Watts explained that while the costs were part of the reason for using an Indian egg donor, she felt that since they had traveled so far, the child's genetic connection to India was one way that she and her husband could sustain a feeling of association to a country they had never known before. Yet, while choosing an Indian egg donor, intended parents do not have access to the same kinds of information as they might about American egg donors. They operate in a market structured by limited information, and thus, the choice of donor eggs for them is not based on calculations of perfect genes as marked by IQ levels of egg donors, schooling levels, admission to Ivy League schools, or even family health histories. In contrast to American donors, most Indian egg donors, all of whom are anonymous, are not highly educated women. Intended parents look at pictures of the women and read general descriptions of health and occupation to decide on a donor. Brad, the late 20s gay intended parent from Atlanta, said his doctor in Mumbai offered to get eggs for him and his partner from white donors in South Africa. The costs were not prohibitive, but he decided to use an Indian egg donor. He was not too worried about choosing an Indian egg donor because college education, in his rationale, did not necessarily mean a high IQ. ''After all,'' he said, ''a large number of our H-1Bs who are skilled workers doing computer stuff are Indians. Overall, they come from a good gene pool, and we know that our child will be fine.'' Jeff, the gay parent from Chicago, told me sheepishly and with much laughter that ''All we cared about was if the egg donor was pretty. She was, and we went with it.'' Thus, with hardly any information on hand, intended parents may choose eggs based on appearances or stereotypes of Indians being computer savvy. Genetic material from such a population, under reduced information circumstances, is deemed a safe bet.

Cynthia Travers had no choice in her egg donor. As an African-American woman, Cynthia had asked for a dark-skinned egg donor, but since her husband was white, the doctor had simply chosen the lightest skinned egg donor to be fertilized with the husband's sperm. Cynthia was not too happy, but the doctor would not explain to her why she had chosen this particular

egg donor. Cynthia now loves her light-skinned son, and is going to use the same egg donor to have her second child with the same surrogate in India.

Consumer Choice in Picking Medical Facilities

But where to prepare the embryo that will eventually be planted into the surrogate's body? Here too, some companies offer their clientele a choice. Tammuz, an infertility tourism company, describes three plans for its clients on its website:

> *The "East" Plan* – In this track the embryo is created in India. The eggs can be from an Indian donor or from a donor that arrives to India for the donation. … The pregnancy and the delivery also take place in India. In a case where the expecting parents have existing embryos and they wish to transfer them to India, we will assist with that process.
>
> *The "West" Plan* – The entire process is conducted in the United States. IVF is performed with an egg donation in the United States; the embryos are then transplanted to a surrogate in the United States; and the entire course of pregnancy, labor and delivery occur in the United States as well.
>
> *The "East-West" Plan* – This plan combines the "East" and "West" Plans. IVF is performed in the United States with a local egg donor; the embryos are then frozen and transferred to India where they are transplanted into a local surrogate; and the entire course of pregnancy, labor, and delivery occur in India as well.

The price tags on these various reproduction plans vary. The "West" plan is estimated to cost anywhere from $80,000 to $115,000. The "East" plan costs $24,500 not including flight charges and tests such as amniocentesis. And, the "East–West" plan, utilizing an American (presumed white?) egg donor costs approximately $48,000. The price on the "East–West" plan is higher largely because egg retrieval in the United States, which includes fees for the donor, genetic testing, and medical exams, totals up to $19,000. Tammuz is able to provide these consumer options because it partners with New England Fertility Center in Connecticut and Jaslok Hospital and Research Center in Mumbai.

Consumer Choice in Picking Surrogates

Thus, while eggs might be extracted from the intended mother, from an American college student, from white women in South Africa, or from a woman who travels from the Republic of Georgia, the body that matures

the carefully assembled embryo belongs to an Indian woman. Her intelligence, beauty, and other such ostensibly inheritable characteristics do not matter. Instead, she is a woman who is deemed to be able to carry pregnancies to term easily, and crucially, is willing to submit to the disciplinary regimens of medicine and law that safeguard the interests of the consumer, the intended families.

Dr. Vicken Sahakian, who specializes in infertility, in Los Angeles, says,

> If you're looking at beauty or physical features you're not going to find that in the surrogate pool… . It's a fact. Most surrogates I come across are not typical donor caliber as far as looks, physical features, or education. Most egg donors are smart young girls doing it for the money to pay for college. Most surrogates are—you know, they need the money; they're at home, with four kids—of a lower socio-economic class. (quoted in Mundy, 2007, p. 133)

Other infertility specialists (Mundy, 2007) interviewed concurred. Gail Taylor, founder of Growing Generations, which is a surrogacy and egg donor agency in Los Angeles, explains that

> In a gestational surrogate you're looking at someone who has healthy, uncomplicated pregnancies; that's compliant, agreeable to all of the circumstances that are unfolding; that's a good communicator, and you're like-minded on all the contractual perspectives: what to do about multiple pregnancies, selective reduction, abortion… . And then from the genetic part, the egg-donor route, you can have any number of things: you can look at educational level, physical characteristics, ethnic background and history. It's a lot easier … to divide those two bodies. (in Mundy, 2007, p. 133)

Couples using transnational surrogacy seem to have less choice in picking their surrogates. They are not choosing women so that they can develop relationships with them (Teman, 2010), but instead, are looking for women who are compliant workers. The doctors and other market intermediaries screen potential surrogates for them; all intended parents need to do is choose between one and another Indian woman who will bear their child. For example, Dr. Rama Devi of Hyderabad who runs the ''Dr. Rama's Institute for Fertility'' selects all her surrogates according to criteria that she deems important. The surrogate should be no shorter than 1.60 m and should weigh between 50 and 60 kg. She should be married and have her own children. She should have a regular menstrual cycle and be free of sexually transmitted and hereditary diseases. She should also be clear of ovarian problems, be emotionally stable, and should not have parents or grandparents who died young (excluding accidental death). And finally, the surrogate's skin color ''should not be too dark, and [her] appearance should be pleasant.'' In addition, Dr. Rama Devi entertains special requests.

For examples, Hindu couples ask for Hindu surrogates; an Indian couple living outside India requested a vegetarian surrogate; western families often insist that their surrogate not smoke or drink alcohol (Schulz, 2008).

Dr. Nayna Patel, who runs the Anand clinic, says that American intended families use her facilities because her surrogates are "free of vices like alcohol, smoking, and drugs" (Gentleman, 2008). Surrogates who work for her must be between 18 and 45 years of age, have at least one child of their own, and be in good medical shape. Michael Bergen and Michael Aki, a gay American couple from Boston, looked at Panama and the Ukraine, but decided on India because they believed it offered "better infrastructure, more high-tech facilities, and the healthier lifestyle. [Most women] don't smoke, they don't drink, and they don't do drugs" (Cohen, 2009). An Israeli gay couple, featured in *The New York Times*, looked for Indian surrogates with high education levels. From the lists of surrogates provided, they rejected a factory worker in favor of a housewife, who they believed would have a less stressful lifestyle and therefore be the better candidate to carry their baby (Gentleman, 2008).

Mark Hoffman said his wife used her own eggs, but they had a choice in surrogates. He and his wife looked for "someone who is attractive. By that I don't mean someone who has nice features, but we looked for someone who took pride in her appearance. Did her clothes appear clean? Was she meticulous in the way she dressed? Was she of a reasonable body weight? We felt that if someone was careful about the way she looked, then most probably she took care of herself, and our baby too would fare well with her." Jeff and Geoff did not have much option in choosing their surrogate; the hospital in Mumbai found their two surrogates, each of whom would be implanted with two sets of embryos, one set developed with Geoff's sperm and the other with Jeff's sperm. However, Jeff had a "hissy fit" (his words) when one of the two surrogates chosen for them was 5 ft tall, and 72 pounds. He knew Indians were a small people, but this, he said in his interview, "was ridiculous." He doubted she would be able to sustain a healthy pregnancy, both for herself and the baby. Finally, they settled on two surrogates who seemed healthy and who had delivered babies within the past two years. He and Geoff believed that such women had good "track records" of healthy pregnancies and babies, and thus would be good surrogates.

So why then do American intended parents go to India? Price seems to be the main factor. The easy availability of fertility drugs at relatively low prices and the lower remunerations for doctors, medical technicians, and nurses who provide the technical labor make surrogacy a remarkably inexpensive option in comparison to the United States. Second, the price of

surrogates' labor and the structure of labor markets reduce the costs of surrogacy. And finally, in addition to the lower costs offered through transnational surrogacy, there are lower nonfinancial transaction costs when dealing with Indian surrogates. In the following section, I describe the labor market in Indian surrogates, and how the operation of market intermediaries makes them a compliant work force.

THE CREATION AND MAINTENANCE OF LABOR MARKETS IN SURROGATE MOTHERS

Bowles and Gintis (1990) observe that in labor market transactions, the contract only guarantees that labor power is sold, but does not guarantee the quality or quantity of labor. Work activity is distinct from this contractual process; the firm owner has to enlist the worker's consent, or utilize subtle forms of coercion to harvest her labor power. Labor exchanges, like most important exchanges in a capitalist economy, "are contested and … in these exchanges endogenous enforcement gives rise to a well-defined set of power-relations among voluntarily participating agents even in the absence of collusion or other obstacles to perfect competition" (Bowles & Gintis, 1990, p. 167). Endogenous conditions in the employer–laborer relationship engender greater power to employers because they can threaten workers with demotion, or worse, with being laid off.

However, surrogacy contracts are very different from other labor contracts because the worker cannot separate from the contracted product, the baby, for at least nine months. The central problem for intended parents and the medical intermediaries involved becomes one of controlling the quality of work the surrogate puts into gestating the fetus and eventually birthing the baby. One way by which these controls are maintained in the United States is that surrogates are screened out by agencies if their stated motivations for pursuing surrogacy are solely financial. Instead, the primary reason for their becoming surrogates has to be altruism, that is, helping a childless couple complete their families. Women's altruism, however, does not facilitate complete control over the surrogate once she is pregnant. Zara Griswold (2006), for example, despairs when her surrogate began taking evening classes in the first trimester of her pregnancy (2006). The Griswolds felt their surrogate was taking an unnecessary risk by driving 50 minutes each way twice a week in Michigan winter weather. Eventually, their surrogate complied with their wishes and dropped her classes. When their surrogate was 28 weeks pregnant, the Griswolds decided to take a vacation

in Jamaica to cope with the strain the pregnancy was having on them. On the second day of their vacation, the surrogate's doctor called the couple to say that their surrogate's cervix had dilated and thinned, and she would be put on bed rest for the rest of her pregnancy. Griswold writes, "Something that we admitted to nobody else but to each other was that we were both secretly happy she was stuck at home. Mike used to joke with her [the surrogate] that we wished she was in a bubble—although he was only partially kidding" (2006, p. 40).

One big advantage with outsourcing surrogacy to India is greater control over surrogates' actions. Moreover, there may be fewer emotional demands on intended parents. Interactions between intended parents and surrogate mothers are minimal; geographical distance, cultural divides, language limitations, and class differences create barriers between intended parents and surrogates. This can pose problems, but also has advantages. The possibilities for surrogate mothers to engage in "post-contractual opportunistic behavior" (Galbraith, McLachlan, & Swales, 2005), that is, to make demands on intended parents after the baby is born, is minimal. The surrogate has little ability, for example, to demand parental rights over the child; she can ask to be a part of the child's life, but intended parents need not oblige.

On the other hand, intended parents might want to experience the pregnancy vicariously, and having an Indian surrogate limits this possibility. For intended parents, being present for the surrogate's ultrasounds, medical exams, feeling the fetus move in her, and otherwise accessing the embodiment of pregnancy through the surrogate's descriptions can be very important (Teman, 2010). Mark Hoffman said that this was one of the major drawbacks for his wife when they decided upon India. His wife felt that she could not communicate with the surrogate, and otherwise participate in the pregnancy, as she might have done with an American surrogate. The financial savings in hiring an Indian, however, trumped this concern.

Jeff had a different take on nonfinancial transaction costs. He said, "I never in my life imagined I could get pregnant. As a gay man, and having been one for so long, I have no interest in experiencing a pregnancy. All I wanted to do was be a parent, not experience pregnancy." That, he noted, was something that heterosexual couples – specifically intended mothers – felt and wanted, and not gay couples. Working with Indian surrogates minimized interactions between contracting agents, making the whole process easier for Jeff to deal with emotionally. He felt absolved of being present and having to express appropriate emotions at the appropriate times. Given how emotionally fraught the whole process had been for him,

he found it far easier to deal with the whole exchange as solely contractual, with emotions on his part kept to a bare minimum.

Working with Indian surrogates has other nonfinancial benefits, namely, the ability to hire a compliant workforce. Although commercial surrogacy is legal, there are no laws that govern surrogacy in India, which leads commentators to observe that surrogate mothers there have very few rights (Lee, 2009; Rimm, 2009; Rengachary Smerdon, 2008). Some surrogates, such as the women working with Dr. Nayna Patel in Anand, Gujarat, are housed in dormitories and do not live at home. As a result, every aspect of their lives – including how much they eat, what they eat, how much they exercise – is monitored. Women's working lives as surrogates are structured by surveillance and medical technologies, and the medical staff in whose care they reside can discipline them easily.

Yet commercial surrogacy in India seems to have arisen precisely because of concerns regarding exploitation. Dr. Sulochana Gunasheela, on the team of experts who drafted the National Guidelines for Accreditation, Supervision & Regulation of ART Clinics in India in 2005, which forms the basis of contemporary surrogacy contracts, says that the push for commercial surrogacy in India came about partially to protect surrogates from exploitation (June 2008 interview). In her experience providing infertility services to couples, she observed that cases of altruistic surrogacy in India are deeply oppressive because working class women can be emotionally blackmailed or coerced into carrying fetuses for their employers and others who have greater power and control over their lives. The move toward commercial surrogacy was intended to protect individuals from being compelled to carry fetuses against their will. In addition, individual surrogates acquired the legally recognized means to demand financial remuneration for their considerable labors.

In face of the innumerable critiques of women being exploited, infertility clinics, hospitals, and doctors involved in providing surrogacy point to the fact that there are any number of women who are willing to work as surrogates. The Indian doctor from Mumbai at the surrogacy workshop I attended in Dallas, Texas, noted, "Any time you decide is right for you, we can work with you. At any given time we have at least two or three women ready to be surrogates. You can choose."

Why do so many women "opt" to become surrogates? Labor market theorists note that labor markets do not arise out of thin air, but are sociopolitical constructions that involve cultural perceptions of what is or what is not work, and the state's active involvement in keeping labor markets open. Geographer Jamie Peck (1996, pp. 24–40) says there are four processes

involved in getting individuals to participate in labor markets. These are: (1) incorporation of workers into the labor market; (2) allocation of individuals into particular jobs; (3) the control of workers so that their labor may be harvested efficiently; and (4) the reproduction of the work force.

Worker Incorporation into Labor Markets

Popular articles on transnational surrogacy claim that the women who participate in such labor markets are impoverished individuals. This is certainly the case for many surrogates. Sudha, the 25-year-old mother of two in Chennai, for example, works as a maid earning $20 per month (Cohen, 2009). Yet, it is apparent that not all of these women are poorest of the poor. Almost all have access to computers and email accounts, indications that they have some education and some economic means. Rubina Mondal is a former bank clerk who worked as a surrogate so that she could earn money for her son's medical treatment (Haworth, 2007). She presently runs a home that houses at least 10 surrogates, all working for Dr. Nayna Patel (Dunbar, 2007). Another surrogate, a mother separated from her husband, tells Gentleman (2008) that her monthly wages of approximately $69 as a midwife were not enough to raise her nine-year-old son. With the $13,600 she earned as a first time surrogate, she bought a house, and with the second surrogacy contract she will earn $8,600, which she will use for her son's education. Rekha, interviewed by Fitterman (2009), says that surrogacy is a business venture, which is more lucrative than her old job in a pharmaceutical lab. With the money she earns, her nuclear family consisting of her husband and two children, can move into a better house. She says the hormonal injections hurt, but she is not scared because her family takes care of her. Her children understand what she is doing, and her husband "actually cooks and cleans. The last time, he made lots of chicken" (Fitterman, 2009).

Cohen (2009) argues that cash-strapped middle-class women choose surrogacy as an employment option. She describes the case of a woman in Bangalore whose husband borrowed more than $30,000 to start a company that failed. Since the couple could not repay the loan, the wife was looking into surrogacy as a work option. Thus, it becomes apparent that the need for cash inflow into the family's coffers is a strong incentive, whether it is to maintain a tenuous middle-class status or to try to fight into the middle class through buying the necessary accoutrements such as consumer goods, a better house, or an education for one's children.

Allocation of Labor

Not all women are suitable surrogate material. Hospitals look for women in their 20s and 30s who are married and have children. Legally, India does not allow a woman who has not given birth to a child to work as a surrogate. The belief is that pregnancy and childbirth cannot be comprehended intellectually or through the imagination; only a woman who has undergone pregnancy and childbirth can be truly ready for the labor experience for which she has contracted. In addition, the belief is that if a woman has a child of her own, she is less prone to get emotionally attached to the contracted child. Ideal candidates, according to doctors who work with these women through their pregnancies, are those who have household help through extended families. In addition, they have husbands who are sympathetic so that there are enough finances in the family to support their children, and there are minimal demands for sexual relations (almost all surrogacy contracts specify that surrogates not have sex when under contract and pregnant). Women are also screened, ostensibly to assess psychological readiness and check for emotional stability. Such screening eliminates individuals who might not be good surrogates, because they might not be able to emotionally separate from the fetus they carry for nine months, or they might exhibit "post-contractual opportunistic behavior" (Galbraith et al., 2005), that is, they might make demands on the contracting parents once pregnant.

Controlling Labor

In order to have a good surrogate workforce, the manager (in this case, the medical practice that manages the workers for the contracting family) has to subtly coerce or garner the consent of workers. Much of this worker control in surrogacy can be achieved by housing the pregnant surrogates in dormitories where every aspect of their lives is monitored and controlled. However, contrary to the perception presented in popular media, because so much of this attention is on Dr. Nayna Patel's Akanksha Clinic, a large number of surrogates are *not* housed in such surrogacy dorms. My research shows that many surrogates in cities such as Mumbai, Bangalore, or Chennai live at home with their own families. Such arrangements lessen the financial overhead for infertility clinics, because real estate costs in a city like Mumbai are prohibitive. However, not having women in dorms drastically reduces the hospitals' abilities to monitor their worker-mothers.

Thus, pre-pregnancy screening of surrogates becomes vitally important. A suitable surrogate is a woman who has "good" worker attributes such as reliability, deference to authority, adaptability, and compliance to invasive medical procedures. There is no guarantee that all women behave in these gender-disciplined ways. Hiring agents use psychological screening to ascertain surrogates' personality type and family circumstances. A woman might opt for surrogacy because her own child is sick and she needs the funds for the child's treatment. Or she might have a tremendous incentive because she wants to ease her husband's debts, and has the "support" of her extended marital family. Or she may be introduced to surrogacy through kinship networks, and as a result, has greater surveillance than someone not similarly connected.

Other surrogates initiate contact with individual families through the Internet, rather than negotiating these contracts through medical practices. One interviewee expressed that she wanted to live in the intended family's home with her one-year-old daughter while she was pregnant. She was in the middle of negotiations with an Indian couple living in Australia. This couple was most appealing because she could live with them in Australia, and therefore be an international traveler, have someone chauffer her to medical appointments, as well as take care of her dietary and other needs. The added advantage to all this was that no one in her extended family would know her labor choice. While I did not interview the contracting couple, I could well imagine the advantages that might have accrued to them. The surrogate would have her baby in Australia and sign adoption papers there, thus resolving transnational adoption and immigration complications for the intended couple. In addition, they could have some control over the surrogate's life, from what she ate, when and how much she slept, to how much she exercised. In other words, they could effectively monitor her over the period of the pregnancy.

Reproducing Labor

And finally, surrogacy needs to be legitimated as a form of work so that the labor market in surrogates is replenished with new workers. There are numerous media stories about how Indian women are ashamed to be surrogates because their society judges such contractual arrangements harshly. For example, Dr. Nayna Patel says that she has a dormitory to house surrogates because they cannot tell their kinfolk and neighbors how they earn their money. Surrogate Najima Vohra says she comes from a

village 20 miles outside Anand, where Dr. Patel's clinic is located. The locals there, she says, are very traditional: "They think it's dirty – that immoral acts take place to get pregnant… . They'd shun my family if they knew." As a result, Najima Vohra, her husband, 12-year-old daughter, and a 7-year-old son have moved to Anand to hide her labor choice. She noted, "We told our neighbors we were coming here for work, which is not strictly a lie" (quoted in Haworth, 2007). On the other hand, many other infertility clinics expect surrogates to stay in their own homes. The Canadian magazine *Chatelaine* carried a photograph of the contracting parents, the Wiles from Arizona, with their Mumbai surrogate Rekha and her husband Prabhakar. Rekha's husband cooks and cleans so that his wife's pregnancy for the contracting couple goes smoothly (Fitterman, 2009). In larger cities such as Mumbai, Delhi, Bangalore, and Chennai, there may be lesser stigma attached to gestational surrogacy and it is increasingly accepted as a legitimate form of work.

It helps that surrogacy is, in spite of the money exchanged, perceived as an act of altruism on both sides. Dr. Kaushal Kadam of Rotunda Hospital, Mumbai, believes, "I really don't think that this is exploiting the women. I feel it is two people who are helping out each other" (quoted in Gentleman, 2008). The intended parents feel they are assisting another woman to fulfill her dreams of achieving a better house, consumer goods, or education for her children. And the surrogate mother feels gratified that she has fulfilled another woman's ostensibly biological, and therefore natural, urge for procreation. In addition to surrogacy being accepted as a labor choice for women, infertility clinics have to actively seek new surrogates to meet their clientele's needs. Hence, they look at their egg donor lists, all maintained in files, as potential surrogates. Recruiting agents also use surrogates' networks – family members, neighbors, or acquaintances – to find new recruits.

MARKET INTERMEDIARIES

American intended parents pursuing transnational surrogacy use market intermediaries to reduce the emotional and intellectual costs of doing business. How do they know that the oocytes they have purchased are of "good" quality? Can they be guaranteed that medical personnel are following the proper protocols in labeling and storing their sperm? Given that many individuals are unfamiliar with India, will their stays there be comfortable, or will they be challenged by food, language, and finding

suitable living facilities? Will they receive the proper paper work from the hospitals, and will the Indian state give their new family members birth certificates issued in their names? Will their national consulates give their new babies citizenship and passports so that they may all travel together to their home countries? And finally, how are they to trust the surrogate mother to follow through on the contract? Will she take care of herself, so that the fetus is not harmed?

Surrogacy outsourcing firms have the task of controlling the very large number of nonfinancial transaction costs that arise with transnational surrogacy. Firms that have a market advantage are those that have networks with a large number of agencies that traverse large geographical areas, thus giving their consumers a wide range of services while keeping production costs low. The best example of such a firm is PlanetHospital in California. PlanetHospital is a medical tourism company that arranges services for consumers in the United States and the Middle East, to 14 destinations as disparate as Argentina, Brazil, India, Singapore, South Korea, and Belgium. In each of these destinations, PlanetHospital partners with multiple private hospitals, and each destination specializes in specific medical services. The Rotunda Center for Human Reproduction, Mumbai, specializes in fertility (from PlanetHospital's website).

Most firms do not have such wide networks. A more typical example of a transnational surrogacy firm is Surrogacy Abroad, located in Chicago. Samson Benhur, a native of India and the founder of Surrogacy Abroad, investigated various infertility clinics in India before deciding to partner with Dr. Samit Sarkar of Kiran Infertility Clinic in Hyderabad, India. Since it is illegal for him to directly recruit surrogates, Dr. Sarkar works with another agency to locate women from surrounding areas (Shafrir, 2009). Dr. Nayna Patel, who runs the Akanksha Infertility Clinic, not only works with partnering agencies to find surrogates, but she also locates "a nanny, maid, accommodations, money exchange … whatever you need or want" (from discussion website on Dr. Nayna Patel's services).

Transnational surrogacy agencies provide legal services so that the baby born in India to an Indian woman has the documents, such as an American passport, to "go back home." Although commercial surrogacy is legal in India, there are no laws that regulate the operation of the various hospitals and clinics. In addition to negotiating multiple nation-state adoption laws and immigration laws to travel with their newborns, intended parents face legal ambiguity regarding their parental rights. Horror stories arise because of the legal imprecision surrounding surrogacy. As a result, surrogacy agencies work closely with law firms. An example of a legal firm is the

Indian Surrogacy Law Center, which advertises its work with Australian, American, and British families. This firm is located in India and can help find surrogates, eggs, and hospital services. It covers all legal aspects, from drawing contracts with all parties concerned to preparing travel documents for babies once they are born (from Indian Surrogacy Law Center website).

In spite of their extensive advertising, my interviews show that surrogacy agencies do not always assuage clients' anxieties. Jeff said that if he had a choice, he would have pursued surrogacy in the United States, but they simply could not afford it. To do something like they'd done in India – where both men had a baby each, borne by a different surrogate, but genetically tied to each of them – would easily cost them $180,000. Jeff said, "The problem with India was that information was so hard to come by. In the U.S. you can call the doctors, and they're willing to talk with you. Information is thrown at you over here." On the other hand, in India, he added, "you have to be on it constantly. The logistics of getting everything in order was quite a nightmare, and though successful, the whole process was incredibly stressful." To pursue surrogacy in India, he said, "it takes a certain leap of faith."

But these surrogacy agencies do control nonfinancial transactions. Galbraith et al. (2005) argue that the largest transaction costs in surrogacy involve surrogate mothers, including search costs, incomplete contracts, and moral hazards (Galbraith et al., 2005). Search costs refer to the time and effort spent in looking for a suitable surrogate who does not drink or smoke or engage in sex while pregnant and under contract. Incomplete contracts refer to problems that arise if the surrogate were to miscarry, abort the fetus, or insist on keeping the newborn. In such cases, contracts become difficult to enforce and long-drawn court battles can ensue. Moral hazards refer to the "post-contractual opportunistic behavior" (Galbraith et al., 2005, p. 14) exhibited by the surrogate. Once she is pregnant with the intended parents' fetus, she has greater bargaining power. She could make demands on the intended parents, who might feel morally obligated or emotionally blackmailed into meeting the surrogate's demands. Galbraith et al. (2005, pp. 17–18) say that surrogate mothers too face similar sorts of nonfinancial transaction costs. The intended parents could pay her far less than contracted for, once she is pregnant or has delivered the child. They could also renege on the contract, leaving the surrogate with the baby.

Indian surrogates who work for American intended couples find their everyday lives regulated in a variety of ways through various market intermediaries. Recruiting agents, the medical personnel who provide prenatal care, and finally the lawyers who draw up contracts – three

different market intermediaries – structure their working conditions. They may still make demands on intended parents after the baby is born, but these demands can be controlled by intended parents, various interviewees told me, by keeping interactions to the barest minimum as stipulated by contract. And given the wide gulf of differences in privilege, intended parents have far greater control in mediating interactions with Indian surrogates than they might with American surrogates.

CONCLUSION

In this chapter, I have described the emergence of consumer and labor markets in surrogacy in India. A consumer market in surrogacy is built on idealized notions of family with genetically similar children. Both heterosexual and gay couples seek access to biological children because these kinds of children are seen as legitimizing, solidifying, and otherwise giving meaning to their intimate relationships. While research on stratified reproduction shows that inequalities based on hierarchies of class, race, ethnicity, gender, and sexuality limit couples' abilities to form families with children, surrogacy in India opens new possibilities for couples who were otherwise shut out. Gay men, solidly middle-class heterosexual couples, and individuals with lesser financial means are now able to have genetic children, who stand as markers for authentic family.

Similarly, a labor market in surrogate mothers is structured around gender ideologies that assist with building an inexpensive, compliant labor force in surrogates in India, which is helping that nation emerge as a global site for surrogacy tourism. Women willingly submit to the disciplinary regimes of the surrogacy labor market because of how labor markets in surrogates are structured in India. Labor markets are sociopolitical constructions that involve cultural perceptions of what is or what is not work, and the state's active involvement in creating labor markets and keeping them open. The state creates this labor market by legalizing commercial surrogacy and drawing guidelines and other regulations to facilitate the operation of transnational surrogacy in India. The incorporation of women into the labor market, their allocation into gendered/sexualized jobs, and the control of surrogates so that their labor may be exploited efficiently structure not just the working conditions of surrogate mothers but also foster women's continuous recruitment into the surrogacy workforce.

But how do American consumers, that is, intended parents, access workers in India? I show that market intermediaries mediate such access.

These market intermediaries put consumers in touch with hospitals and infertility specialists, and hire surrogates who will contract with Americans. These market intermediaries are central to controlling and building compliance among surrogate mothers.

Much of the literature on surrogacy describes the wide choice that is available to intended parents who discriminately select among a variety of egg donors, medical facilities, and surrogate mothers. However, my research shows a surprisingly limited choice available to individuals using transnational surrogacy. Then why opt for surrogacy in India? Low financial costs and low interaction costs figure largely in decision-making processes among American intended parents. Surrogacy expenses are lower because of the low wages commanded by Indian doctors and nurses, and also, crucially, because of the lower wages earned by Indian surrogates. But in addition to lower expenses, working with Indian surrogates can potentially mean lower nonfinancial transaction costs for intended parents. Because of how contracts are drawn, these women have far fewer worker rights in comparison to American surrogates. In addition, outside of the contractual agreement, the wide discrepancies in class and privilege accrue interaction benefits to intended parents. Intended parents control when conversations can happen and what topics can be discussed. And finally, market intermediaries, which are surrogate-recruiting agencies, medical facilities, and law firms, are able to control post-contractual opportunistic behavior on the part of surrogates and reduce nonfinancial costs to intended parents.

My work shows that while the language of choice permeates surrogacy on both the part of intended parents and among surrogate mothers, this choice is deeply mediated. While American intended parents no doubt ''choose'' to hire women to bear and birth ''their'' children halfway across the world, I show how the structures of feelings – the centrality of children to marking successful relationships, ideologies of genetic resemblance among parents and offspring – shape that choice. Likewise, some Indian women ''choose'' to be hired as surrogates. This choice, as my work shows, is mediated by notions of ideal motherhood. Women choose to become surrogates so that they may provide their legitimate offspring, borne in legally recognized marriages, the accoutrements of middle-class lives. My work shows that the emergence and maintenance of consumer and labor markets that form the global organization of surrogacy are deeply gendered processes, building from while simultaneously bolstering normative families and gender ideologies.

NOTE

1. A common practice in surrogacy is to use third person donor eggs, instead of surrogates' eggs. Part of the reasoning is that women who "donate" eggs are seen as a different type than are women who hire out as surrogates (more on that in a subsequent section). But crucially, the surrogate has far fewer legal rights over the newborn if she has no genetic connection to the baby.

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