

Beyond #MeToo

Ushering Women's Era
or Just Noise?



Tanushree Ghosh

BOOK
PREVIEW

Foreword by **Dr Pritam Pal**,
*Vishakha Chairperson; Former Women's
Development Programme Project
Director for Bhanwari Devi, UNICEF*

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ADVANCE PRAISE



Although a lot has been written on the topic since the 2018 revelations by Tanushree Dutta, Vinta Nanda and several others, non-fiction books on the topic are hard to find. More importantly, this book goes beyond MeToo and deep into gender today in India. Through an apt mix of interviews, articles and references to Indian culture, delineating the nuances of a woman's status in the Indian society and the patriarchal system, the book delivers excellent scholarship in a narrative tone which is easy to grasp and hard to put down. Each chapter takes up an important, relevant piece of the puzzle while the chapters, conceptualized in an orderly manner, deliver a seamless denouement. It is one of the most comprehensive and contemporary reads on women's issues that are out there.

Dr Reicha Tanwar

*Director, Centre for Women's Studies and Development,
Kurukshetra University, and Gender Rights Activist*

Tanushree Ghosh has given us a remarkable book. At one level, it is a reasoned analysis of how the MeToo moment that grew into a movement has worked out (or not) in India. We see so clearly from her book how all the ways people have created to make themselves different in India—religion, class, caste and tradition (read patriarchy) have made it easy for violence against women to flourish. How difficult it then becomes for women just to be recognized as human beings! At another level, *Beyond #MeToo* pinpoints the similarities and differences between Indian and worldwide #MeToo movements. The book brings to life a social movement for justice through its gripping stories of courageous women.

Roald Hoffmann

Noble Laureate; Poet; and Chemist

The issue of gender has been ever-pertinent and becomes more so with every passing day for India. A lens that covers the world and time travels into the past, present and future and yet does so in a language that resonates with the everyday reader, distilling academic nuances into simple, summarized facts, is what we desperately need. This book provides that. It is a non-fiction book on such a heavy matter that reads like a can't-put-down commercial fiction. It is a much-needed must-read.

Anupama Dalmia

*multiple Award-winning Blogger; Author; Serial Entrepreneur;
Social Influencer; and Karmaveer Chakra Awardee*

Tanushree Ghosh's work is a monumental exercise in reframing the debate around and beyond #MeToo in India as well as America from her vantage point of being

familiar with both the cultures. Ghosh gives a masterly account of the movement, its achievements, aspirations and future. It fills a much-needed gap in the scholarship around the subject with women's voices and experiences from the ground.

Kaveree Bamzai

Author; Senior Journalist, India Today, The Indian Express and the Times of India; and Former Editor, India Today

With a much-needed incisive look at the impact of the #MeToo movement in India, *Beyond #MeToo* is an important book that analyses the global movement, the upheaval it created in India and the post-#MeToo world.

Kiran Manral

Author and Founder, India Helps

It is brutally honest; I am unable to stop crying.

Sandhya Renukamba

Senior Editor and Community Manager, Women's Web

The author deals with this complicated topic with clinical precision—presenting facts and viewpoints of experts in the field to substantiate her argument. The book is structured well. Each chapter takes up an important point of the issue, as she goes on to explain it. The chapters have been conceptualized in an orderly manner, moving linearly towards denouement. The author keeps on giving hints about what is to follow and rarely digresses from the thread that is being presented to the reader.

There is a nice mix of interviews, articles and references to the Indian culture, delineating the nuances of a woman's status in the Indian society and how the patriarchal system creates hurdles for the victims wanting a 'fair deal'. The author has a firm grip on the moral ethos of India as well as that of the Western world and uses this expertise well to portray how these change the equation for women. There are enough evidences of thorough research that the writer has done to understand this complicated situation, and more or less she maintains objectivity in her argument. It is an academic and analytical work, which has some valuable insights on the issue of sexual vulnerability of women in society in general and at workplace in particular. It throws light on certain areas that need to be dealt with if #MeToo has to have a significant impact after it loses the 'shock and awe' effect.

Geetu Vaid

Chief Sub-editor, The Tribune

THE ALL OR NOTHING GAME



To meet the legal definition of harassment, the conduct in question has to be severe or pervasive, it doesn't have to be both.

—*Workplace harassment, USA*

In 2012, in a lawsuit filed in San Francisco County Superior Court, Ellen Pao¹ (investor and activist, former Reddit CEO) accused Kleiner Perkins, her former employer, of sexual discrimination. The case generated unprecedented interest. The parties involved weren't trivial (Kleiner Perkins is one of Silicon Valley's most famous venture capital firms where Pao was a former partner and Pao's clout wasn't insignificant either). The Valley (and corporate ecosystems all around the USA) held breath. The outcome was expected to be groundbreaking and trendsetting, no matter which way the verdict went.

Possibly, a bit more context on this and corporate America is needed here to explain the 'why so' and, more importantly, the relevance of this case here as a case study. In very simple terms, forsaking all diplomacy, gender bias and discrimination is commonplace, despite all kinds of diversity initiatives and inclusion goals in corporate America (and the world). However, it is impossible to prove legally. Reason?

Most 'laws' in the corporate workplaces for hiring, retention and advancements are actually guidelines. Having been a manager myself here, I can outline this first-hand—most actions can be justified in retrospect. In this chapter, starting with discrimination and then moving on to harassment, I will attempt to establish that the letter of the law can be taken care of easily. And the spirit? Well, that's good to debate but hard to prove. Silicon Valley is notorious for gender un-parity—from

1 https://en.wikipedia.org/wiki/Ellen_Pao

Uber² to Google³ to Facebook.⁴ Most of the tech industry, especially tech C-suites, are male-dominated,⁵ and problem statements such as sexual harassment and sexual discrimination are too subtle and subjective.

It's not always targeted malice that is behind behaviours and practices. Habit, culture, lack of consequence/call-out and, therefore, ignorance, are the beasts leading the charge with real culprits (relatively lesser in number if I may dare claim) riding the flux. Let me explain with an example.

Say in a Fortune 500 company, there is one woman in an otherwise all-male team. She misses most of the social networking opportunities either due to a difference in preferences (she doesn't do locker room talks or Sunday night football) or because of personal obligations (she needs to be home at happy hour, golfing or late dinner times). She slowly realizes that even though her co-workers are cordial and accommodating, she doesn't share the same rapport they have with each other. She continues to perform well, however, gets appropriately rewarded and, in general, finds no reason to complain. She chooses to ignore (or, more accurately, has no choice but to ignore) the tad bit of sadness she feels during non-work conversations in which she feels her participation is superficial.

Then, she and her co-worker (male) get into a disagreement with their senior director (let's assume it to be just a difference of opinion—no right or wrong). While she follows protocols and uses learned behaviours (constructive confrontation, bringing it up in meetings, sharing her opinion one-on-one, using factsheets, justifications and 'influencing language' taught for corporate effectiveness), her male colleague just knows (like you would for your best friend) how to place his opinion in the director's ears without having to go through such pain or, more importantly, without needing to shine an unfavourable light on himself. He is successful in this because both he and the director speak the same 'language'.

2 <https://thinkprogress.org/uber-diversity-problem-7cf5e164f528/>

3 <https://www.nytimes.com/2017/08/07/business/google-women-engineer-fired-memo.html>

4 <https://www.cnet.com/news>

facebookso-white-and-male-leadership-highlights-bigger-diversity-issue/

5 <https://www.forbes.com/sites/naomicahn/2021/02/19/womens-status-and-pay-in-the-c-suite--new-Study/>

A note here for clarification (because I have seen this getting confused): I am not claiming here that no female can know this ‘language’ because of her gender (many females do). Or that the ‘language’ by the virtue of being one that the male characters in this example speak is a ‘male’ language. Neither am I placing an argument on the ‘language’ being right, or wrong, or more, or less effective for corporate functioning. I am merely establishing that there is a language of the band that most (but not all) members of the band tune in to and use more effectively. Several factors play into this (including demographic and behavioural similarities) which are outside of available scripts. You either fit in and have higher ease with difficult conversations and situations or function well but have only guided protocols to abide by. This language is inherently not diverse in most corporate work environments—certain segments like C-suites being worse than others—and that puts women (and other minorities) at a disadvantage.

So the director decides to follow his own path on the given matter. But in the days to come, the woman senses things getting a bit more difficult for her. She is not able to put an actual finger on it. On asking for official reports on say a position that she gets passed for, she finds smoking guns but none with bullets. ‘The job was awarded to the better candidate following corporate guidelines, candidate fit was assessed on not just hard skills but also soft ones—like ability to influence.’ In her performance reviews, she might find things like ‘developing a better rapport with stakeholders will result in achieving results more effectively’ suggested or ‘needs to continue developing people and influencing skills’ documented—nothing punishable by the law or nothing to even raise eyebrows, but severely disadvantageous to her career.

This example has multiple variations that most women have experienced. From getting a job, performing in a job and handling confrontations in the job to advancing in a job and getting sponsored for upward positions. Women have said that they believe that their male counterparts are forgiven for gaffes and career blunders easily while they have an impossible time re-establishing confidence and trust. Most women don’t understand how to remedy these situations. If they confront, they are called confrontational. If they conform, they are

labelled weak or impassionate. Discrimination is real, so is retaliation, and more often than not there is a gender component.⁶ This is why, as we have seen in the earlier chapters, and will see in the next, that POSH comes under the equal employment opportunity scope and is handled under civil rights or labour laws. Discrimination (and/or retaliation) is mostly impossible to prove though—in a court and otherwise (read internally)—but is common. In the Drew Dixon account shared in Chapter 2, Dixon said that discrimination and retaliation, post sexual harassment and her rejection of the advances, caused her to realize that she couldn't have a career and she left the industry altogether.

They literally have to grab your breast to be fired or even censored for wrongdoing.

*—Heather Mattisson, Corporate HR Worker,
USA (speaking on retaliation and harassment)*

In the Pao case, for example, her accusation of 'sooner promotions of male colleagues with a similar profile who had joined the firm after her' is not illegal and could be perfectly justified by a well-prepared corporate legal team. The 'joining later but getting promoted sooner' could be rightfully blasted with the meritocracy argument, and 'the similar or equivalent profile' would fall under 'soft skills' or 'hard to objectively measure but they had it' explanations. It is not discrimination just because it happened. It is discrimination only if it can be proved that it happened to her because she is a woman. What can be proved under most circumstances is that it happened to her and that she is a woman or, at most, this happened to only her, a woman. Besides, as it happened in the Pao case, it can be proved more often than not that there were other women to whom this didn't happen at the same company.⁷ This might sound familiar as a popular argument touted in defence of individuals (or

⁶ On discrimination too, as we have seen, intersectionality and other variables playing a bigger role (e.g., caste or religion in India and race in the USA) comes up as a point. But gender remains the biggest common denominator that both differentiates (women vs men) and groups (behavioural expectations and experiences) the global human population.

⁷ http://www.mercurynews.com/business/ci_27779413/

kleiner-perkins-discrimination-trial-nears-end-closing-arguments

institutions) accused of sexual harassment. 'I have known him long and he was never inappropriate with me.' Or 'there are so many other women who work here to whom such a thing has never happened.' Several chapters in this book outline many such real-life examples used to challenge the MeToo accusations.

Pao's case also had the matter of an affair with a married junior colleague and alleged retaliation. Pao claimed that she had been pressurized into entering a sexual relationship with Ajit Nazre,⁸ a partner at Kleiner at the time, and was retaliated against for breaking off and complaining. This brought under the microscope other allegations and speculations. The long-known reputation of Nazre, potential out of court settlements, mysteriously missing administrative assistants and the hush-hush departure of Nazre from first the firm and then from the limelight altogether were all reported upon. These are all familiar narrative arcs for workplace sexual harassment and harassers: a reputation yet nothing proven, alleged out of court settlements, debate on consensual, consent, and coercion, and departures without legal consequences (the Chapter 4 and elsewhere discussions on academia culture and reaction to LOSHA and Chapter 6 examples are worth remembering here, as are the cases of K. P. S. Gill, M. J. Akbar and Larry Nassar, which have been discussed as case studies). Just like Nazre, CEOs of well-known companies have resigned or have been ousted, but is anyone in jail? The answer is no in most cases. For sexual harassment, the stakes are higher. The defendants, even one's like Pao, must face questions that are hard to face and even harder to answer.⁹

Ellen Pao captivated the nation's attention. If she could successfully prove in a court of law that there indeed was discrimination, harassment and retaliation during her employment at Kleiner and caused her eventual dismissal, it would be unbelievable and of unprecedented consequence to corporate America. If she lost, it would affirm the complexities surrounding 'due process' which is so often offered as the only way to go, as if it's an all or nothing game. 'Don't accuse someone if you can't prove it in court.

8 <https://fortune.com/2015/03/27/man-at-center-of-ellen-pao-case-still-working-in-vc/>

9 <https://www.usatoday.com/story/tech/2015/03/10/ellen-pao-kleiner-perkins-discrimination-bias-gender-trial/24697491/>

Naming and shaming are anarchic, take them to the courts instead.¹⁰

Of 2,000 US employment discrimination cases, most were thrown out or settled, the cost of litigation and adversarial process proving too big a barrier for employees. Only 6 percent of cases went to court. Two-thirds failed.¹¹

Ellen Pao lost her case two years before the breakout of #MeToo. Two years after the breakout of #MeToo, in India, police have dropped the Nana Patekar investigation, citing lack of evidence; M. J. Akbar has filed a defamation case against Ramani;¹² and Ranjan Gogoi has in effect exonerated himself.¹³ Hopefully, it's clear now why the Ellen Pao case is of relevance here. It demonstrates clearly how...

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10 Pao lost her case against Kleiner Perkins. Accusations against Kleiner and Ajit Nazre remain unproven at the time of this writing (<https://www.nytimes.com/2015/03/28/technology/ellen-pao-kleiner-perkins-case-decision.html>). This work makes no claims of guilt on part of the accused and merely presents facts and reports publicly available in the context of the broader challenges around gender-based discrimination and harassment.

11 Ellen Berrey, *Rights on Trial* (Chicago, IL: University of Chicago Press, 2017).

12 <https://www.indiatoday.in/india/story/priya-ramani-to-court-in-mj-akbar-case-sexual-harassment-case-1597366-2019-09-09>

13 <https://mumbaimirror.indiatimes.com/mumbai/cover-story/spectacle-fit-for-a-kangaroo-court/articleshow/68972786.cms>

ABOUT THE AUTHOR

Tanushree Ghosh (PhD, Cornell University; alumna, IIT Kanpur and Presidency College, Kolkata) works in the technology sector in the USA. She is also a social activist and author. Her blog posts, op-eds, poems and stories are in effort to provoke thoughts, especially towards issues concerning women and social justice. She is a contributor (past and present) to several publications, including The Huffington Post, USA; The Logical Indian; Youth Ki Awaaz; *The Tribune*, India; Women's Web; Thrive Global; and Cafe Dissensus (where she hosted her own segment on social satire titled 'Black Light'). Her literary resume includes poems and stories featured in national and international magazines (Words, Pauses and Noises—UK; *Tuck*; *The Pangolin Review*; and *Glimmer Train's* Honorable Mention) as well as inclusion in nine anthologies such as *Defiant Dreams* (Oprah 2016 reading list placeholder) and *The Best Asian Short Stories, 2017* (Kitaab, Singapore). Her first single-author work is *From An-Other Land* (December 2018, Readomania Publishing). She is the founder and director of Her Rights Inc., a 501(3)c non-profit committed to furthering the cause of gender equality. She frequently speaks

on gender rights, social justice, and diversity and inclusion in corporate and non-profit events. She is a member of corporate diversity equity and inclusion management committees and an advisory board member of organizations representing minority voices.



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