

# Me Too Movement and its Legal Consequences to Control Sexual Offences & Sexual Harassment

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**Abstract** – In this article, we looked at the short- and long-term effects of the global social media movement #MeToo. With self-report questionnaires among US participants recruited online, we followed changes in dismissal of sexual assault through four waves of measurement: twice before the #MeToo movement, at the peak of the #MeToo, and six months later. Individual differences in gender, gender and feminist identification, and social dominance orientation were used to determine who will be most or least affected by the movement (SDO). Following #MeToo, both men and women were less likely to reject sexual assault, and this trend continued six months later. SDO reduced this effect, with low-SDO men and high-SDO women having the greatest drop in dismissal of sexual assault. We found no evidence of a backlash impact, as previous article and vociferous critics of #MeToo claimed. A possible explanation for SDO's unique influence is examined, as well as the implications for social change attempts.

The restricting effects of legislation and legal language on public debate of sexual assault are highlighted by #MeToo and other forms of "consciousness-raising" for sexual violence. We discovered that, ironically, in the instance of sexual violence, the law has the potential to undercut the goals and benefits of awareness-raising initiatives by private the experience of sexual assault and silencing its victims.

**Keywords** – #MeToo Law, Sexual Assault, Blame, Sanctioning, Criminal law reform, legality, rape, legal consciousness; consciousness-raising, Social influence Social dominance orientation.

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## 1. INTRODUCTION

The goal of this article is to assess #MeToo as a social movement with blaming and punishing characteristics, as well as to explore the movement's potential impacts on substantive criminal law and future changes in criminal justice systems. The assessment is based on normative ideas such as wrongdoing and appropriate reactions to wrongdoing, fairness, and justice, which are all derived from criminal law theory. The majority of the #MeToo literature is authored by writers who do not have a legal background.

As an informal system of social control and blame, several features of #MeToo mimic governmental punishment: Individuals are held responsible for their previous wrongdoings and are subjected to harsh penalties, including job loss and forced career termination. The argument that follows presupposes that blame and punishment must be founded on a strong understanding of the previous error that warrants a negative reaction. Blame and sanctions can only be morally justified if, first, the facts have

been established in a thorough and fair manner; second, the criteria that support the assessment of acts as wrongdoing have been carefully considered; and third, the relative degree of wrongdoing and thus the appropriate amount of blame have been calibrated to arrive at just outcomes.

Tarana Burke, a social activist, invented the phrase "me too" in 2006 to encourage solidarity among survivors of sexual assault and harassment. The hashtag's usage by celebrities elevated it from a social movement tool to a cultural event. Alyssa Milano, Reese Witherspoon, Jennifer Lawrence, and others asked survivors from all across the world to join them in publicly identifying offenders.

The more the severity of the blame and punishment, the greater the focus on problems of fairness and justice. The topic of how #MeToo fared in terms of fairness and justice merits significant academic consideration. The use of principles from the academic discipline of criminal

law theory may help people get beyond the partisanship that now dominates public discourse. In both old and newer social media sources, opinions concerning #MeToo and #MeToo cases are positioned along fault lines that cement political differences or highlight gender. In these conversations, expressing doubt about portions of #MeToo sometimes leads to the label "conservative" or "anti-feminist," but dedication to feminist causes or other progressive movements seems to need unqualified approval. A detached, evaluative method, on the other hand, necessitates assessors staying away from political viewpoints.

Anyone familiar with criminal law as a scholar or as a prosecutor, defense attorney, juror, or judge is aware that establishing facts can be a challenging task. It is incredibly difficult to recreate what really occurred in many circumstances when reports are inconsistent. Not only may the fact-gathering process be difficult and contentious, but so can normative judgements. Criteria for the assessment and weighing of wrongdoing must be fine-grained, and their details will be the subject of intense debate. Both factual and normative judgements may be skewed by strong emotions. Sanctioning, in particular, requires a de-emotionalized evaluation of misbehaviour; the free flow of empathy for victims and the desire for vengeance must be stifled. Unanimous support for the #MeToo movement, as stated sometimes from the perspectives of cultural studies and feminism. A powerful but uncontrolled and unconstrained movement requires close study.

We're still asking questions about what to do after 18 months of #MeToo claims, lawsuits, prosecutions, professional comebacks, and analysis. It inquired, "What do we expect of abusers? Should they be permitted to return to regular life on what terms? Is there a way to look into forgiveness options without burdening the folks who were wronged in the first place?" "I don't have answers to such queries," the writer stated in response.

Even though rape laws no longer organise themselves on the premise of force, mythical rape (or, in Susan Estrich's words, "actual" rape) continues to influence rape statutes. Furthermore, whether as an unspoken assumption or as a final conclusion, this concept continues to permeate in popular discourses about rape. As a result, it often inhibits knowledge of consent and narrows perspectives on what rape is and how it should be characterised. As previously stated, even in legislative circumstances where the necessity of force has wilted or dropped away, legal officials' attitudes persistently maintain this expectation. Whether or whether there is a legal focus on permission obtained without the use of force, the relationship between force and rape remains.

Whether or whether there is a legal focus on consent without the use of force, the relationship between

force and rape remains. Consent (variously defined) has become a dividing line between sex and rape in jurisdictions that have reviewed force requirements in rape statutes (Tracy et al. 2013). This is a positive legislative reform that broadens the definition of rape and makes legislation more responsive to experienced sexual assault experiences. In the absence of a single, universal national norm for rape, however, there is a labyrinth of rape statutes—a patchwork of legislation whose numerous pieces and foundations don't necessarily rhyme and harmonise. What one jurisdiction considers rape may not be deemed rape in another.

Alyssa Milano, an actress and activist, rushed to Twitter to feed the flames of fury in the middle of what seemed to be a worldwide awakening to the frequency of sexual harassment and assault. Milano, who is familiar with and understands the impact of Burke's Me Too campaign, invited her fans to retweet #METOO if they, too, had been victims of sexual assault or harassment. The goal was to highlight the scope of the issue of sexual degradation. Within days, #METOO posts flooded Twitter and dozens of other public platforms, and sexual assault hotlines saw a tremendous influx of calls seeking aid and support.

We contend, however, that in cases of sexual assault and rape, the impact of the law goes well beyond the courts. Rather than only influencing how survivors of sexual abuse tell their stories during contacts with legal actors or in legal forums, laws in a variety of circumstances, even when survivors have not sought legal recourse.

In general, social media may be used to mobilise people and get them involved in social issues. Many women feel comfortable sharing their feminist beliefs and ideals online than in person contacts, therefore digital platforms may be more useful for feminist activity. Indeed, despite the negative responses to the #MeToo movement, which might easily lead to a backlash of anti-sexual-assault sentiments, theoretical article reveals that #MeToo was generally beneficial in improving empathy for victims and knowledge of the occurrence of sexual assault. As a result, we believe #MeToo was successful in reducing the dismissal of sexual assault.

Overall, we tracked views on sexual assault (assessing opinions on false complaints and whether reporting assault is aimed at harming men) among a US sample across four waves of measurement: twice before #MeToo was launched (after the US elections and at the Women's March) and twice after it was launched (after the Women's March) (once at the peak of MeToo and once 6-months later).

## 2. #ME TOO IN INDIA

#MeToo has the potential to become a rallying cry, especially in Bollywood, where many women are routinely approached for sexual favours in exchange for performing opportunities. A casting agent sexually attacked one unnamed actress. When she contacted the police about it, they told her that individuals in the film business are free to do anything they want. Actresses who rebuff sexual approaches risk being banned or facing punishment. However, abuse inside India's regional cinema industries is progressively making its way into the public consciousness.

### 3. IN INDIA, SEXUAL HARASSMENT

In India, sexual harassment is well-known thanks to the Vishakha judgement, which for the first time took into account the rise in sexual harassment. The POSH Act defines sexual harassment in accordance with the Supreme Court's definition in the Vishaka decision. Sexual harassment, according to the POSH Act, involves inappropriate sexually tinged behaviour, whether directly or indirectly, such as

- i. physical contact and approaches,
- ii. demands or requests for sexual favours,
- iii. making sexually coloured comments, exhibiting pornography,
- iv. any other unwanted sexually oriented physical, verbal, or nonverbal activity.

Sexual harassment is a serious violation of a woman's right to dignity and equality. It stems from patriarchy and the belief that males are superior to women and that some sorts of violence against women are acceptable. One of them is workplace sexual harassment, which regards different types of harassment as innocuous and insignificant. It is sometimes justified as normal masculine behaviour or innocent flirting that women like.

Contrary to popular belief, it causes significant damage and is a clear example of workplace sex discrimination. Not only does it violate a woman's basic freedom to practise any profession or carry on any activity, trade, or business under Article 19 (1) (g) of the Indian Constitution, but it also undermines equality and jeopardises employees' dignity and physical and psychological well-being.

This results in decreased production as well as a detrimental influence on people's lives and livelihoods. To make matters worse, deep-rooted socio-cultural behavioural patterns that generate a gender hierarchy tend to blame the victim, resulting in increased inequality in the workplace and society as a whole.

### 4. MEASURING THE IMPACT OF #METOO

It is vital to differentiate between distinct constellations in order to analyse #MeToo. Some accounts describe personal experiences with sexual harassment and assault in a pseudonymous manner, that is, without naming specific perpetrators. Others accuse a specific person of doing anything that is illegal or unethical. Some testimony in this first type resemble a criminal complaint in that they provide all pertinent data, including the identity of both the victims and the suspected offenders. The second grouping includes comprehensive stories that contain the name of the accused perpetrator but do not reveal the complainant's identity. The purpose is plainly not to seek legal remedies in these circumstances, but rather to condemn the specified individual for morally incorrect or problematic actions. The complaint made by an anonymous woman against actor and comedian Aziz Ansari on the now-defunct website Babe.net is an example of such a storey. Ansari's behaviour on a date with the unnamed lady is characterised as callous, and he is shown as unconcerned about her distress about his sexual actions.

#### 4.1 Increasing Public Awareness without Identifying the Culprits

#MeToo stories are especially useful as a technique of gathering data when they go beyond the simple statement "it happened to me too" and paint more specific depictions of normal abusive conduct in the workplace and other settings. In the case of corruption, an emphasis on patterns and systems rather than a merely moral judgement of individual violations is especially crucial. Power structures facilitate sexual or financial corruption, i.e., the exploitation of positions of power or professional hierarchies to fulfil personal needs. It is necessary to be aware of broad incentives and disincentives in order to establish standards and institutions that will prevent corruptive temptations and practises.

Corruption is destructive on numerous levels: to the individual victim because it jeopardises workplace equality and the right to acquire impartial choices, as well as to the collective of people. It is in our common interest for those who act on behalf of the state or run corporations and other organisations to make choices based on norms that promote the public good or the organization's success rather than their own personal whims and wants. Demanding sexual favours is just one kind of corrupt behaviour.

Supporters of the #MeToo movement highlight not just the need of learning more about dubious behaviours and patterns of interactions, but also—

and most importantly—the importance of victims speaking out, both for themselves and for vulnerable groups' visibility and status. #MeToo has been dubbed "networked feminism," with the use of modern technology lauded as a way to "create networks of feminist solidarity, support, and identification."

## 4.2 Identifying and punishing wrongdoers

When individual occurrences are detailed and the identities of accused wrongdoers are revealed, evaluations of the #MeToo movement become more ambiguous. To begin, let's look at the positive aspects: Informal social complaints regarding identifiable persons' sexual misbehaviour may have a good result. First, #MeToo may serve as a helpful source of information for future victims, comparable to but more effective than conventional "whisper networks" that convey information about the problematic dispositions of employers and coworkers.

For people who may be at danger of being victimised in the future, knowing about a certain individual's previous history of sexual harassment or sexual assault is critical. Second, cyberspace might be a critical turning point for a reluctant victim of prior sexual assault to eventually decide to file a complaint by allowing them to share their experiences and obtain emotional support. Third, disseminating information might draw the attention of journalists and others, who will begin to "connect the dots" and demand a formal inquiry.

However, if claims are not evaluated and consequences are not selected through a method that is specifically established for this purpose, the evaluation is not as straightforwardly positive. As an unofficial, uncontrolled, and emotionally charged social movement, #MeToo will never be able to replace legal processes. It is to be anticipated that circumstances in which blame and punishments are solely applied via informal channels would exhibit inequity and injustice.

## 5. THE EFFICACY OF LEGAL AND SOCIAL MEDIA ACTIONS

The efficacy of our judicial system and media reactions to the needs of those who have mistreated and those who have been wronged is examined in this section. When it comes to civil justice. After examining the effectiveness of informal justice responses such as public shaming, peacemaking, and media, this part concludes by examining the effectiveness of formal justice responses such as public shaming, peacemaking, and media.

### 5.1 Civil Justice

The civil justice system provides a variety of grounds of action in regard to sexual harassment or sexual

assault. A civil tort action allows an injured person to seek monetary damages from an accused perpetrator or others who may be held liable for the wrongdoing and subsequent harm, as well as to request that the conduct be prohibited. Tort causes of action for sexual assault in general and sexual harassment in the workplace have been quickly rising, despite the fact that they have long been accessible via the civil justice system.

Victims of sexual harassment and assault in the workplace might benefit from civil litigation. In contrast to criminal prosecutions, civil lawsuits enable victims to maintain control over their cases. They have control over the course of the action and whether or not to pursue it as plaintiffs. Victims may also seek a variety of flexible redress, including as injunctions, punitive penalties, and compensatory damages. Civil proceedings have a lower standard of evidence, making it easier for plaintiffs to win in court. Furthermore, the formality and public character of the hearing might assist to publicly validate a victim's testimony.

Civil lawsuits may be difficult from a therapeutic standpoint for many of the same reasons. A full 84 percent of survivors reported "some kind of negative emotional consequences, including a sense of loss of control over the process, mental anguish, depression, suicidal tendencies, frustration, anger, and a feeling that the system was not dealing with them in a responsive or personal manner," according to the Canadian study of tort litigants. Although the civil justice system may fulfil the requirements of certain survivors of workplace sexual assault and harassment, it is not intended to address the underlying circumstances and attitudes of those who have committed these wrongs.

### 5.2 Shaming the public, promoting peace, using the media, and educating the public

Outside of the judicial system, the #MeToo movement sparked a backlash. Our nation has witnessed widespread informal public justice reactions, including peacemaking, reconciliation, and media campaigns, in the face of a barrage of specific charges against high-profile persons.

The #MeToo movement has resulted in spontaneous peacemaking and healing. Individual stories have surfaced in the media, spurred on by high-profile charges and a groundswell of victims identifying the crimes. "[H]e said he remembered one particular night during which he might have pressured her into engaging in things she wasn't comfortable doing," one online writer said of a friend who received a text message with an apology for how he acted during an intimate moment with her years ago: "[H]e said he remembered one particular night during which he might have



pressured her into engaging in things she wasn't comfortable doing."

While these measures may succeed in shifting cultural attitudes against sexual misconduct and victim empowerment, they mostly fail to address individual reconciliation and culpability.

Individual acts of peacemaking prompted by the #MeToo movement are inspirational and encouraging, but they are sporadic. Furthermore, not all survivors of sexual misconduct want uninvited contact from those who have offended them. If done without facilitation, agreement, and support, the touch might be retraumatizing in and of itself.

Take, for example, Donald Trump's remark on the #MeToo movement: "It's a 'very dangerous moment for young men in America, when you may be accused of something you're not guilty of.' The outpouring of support for Justice Brett Kavanaugh reflects the reaction that has erupted in our nation as a result of the #MeToo movement.

The #MeToo movement has upended the status quo and forced us to consider and speak about it. However, when the conventional legal system fails, it has failed to create effective pathways for wrongdoers to face and resolve their actions, as well as for survivors to seek retribution and healing.

## 6. THE #METOO MOVEMENT'S POLITICAL EFFECT

Though the #MeToo movement originated in the entertainment business, it quickly spread to the political realm, bringing with it a slew of well-known figures. Indian politics has always been a sensation, despite being the world's biggest democracy. Shri. Sushmita Dev, the Mahila Congress's president, believes that the movement should not be politicised any more. She dubbed it a people's movement because she believes it is one of those matters that should not be politicised. She said, "#MeToo is a movement that will not just centre around facts, but it is a terrible truth that people must embrace." She thought that women should be able to speak out about their experiences without fear or shame. She vowed to ensure that laws are fully implemented and that further laws to empower women be introduced.

The Indian government's adoption of Shoe-Box is a significant step in its ongoing efforts to promote a safe and equitable working environment for women. Female workers now have another avenue to report workplace sexual harassment as a result of this effort. However, in order to achieve the intended results, the government will need to immediately put in place the necessary infrastructure and resources to oversee this project.

While She-Box is presently geared to serve the needs of female workers, allowing them to report sexual harassment in a timely manner without fear of reprisal, the government can also utilise this platform to assist businesses comply with the Anti-Harassment Law by providing required resources. She-Box, for example, might be used as a resource for companies or their ICC if they have any doubts about the procedure to follow after receiving a complaint or how the report should be written. It might also be used as a repository for experienced employees who could act as external members of the employer's ICC in other places.

## 7. CONCLUSIONS

Despite the fact that #Metoo was just a campaign, it inspired people to oppose abuse. The courts, on the other hand, have been active in giving directives to states to ensure that the Internal Complaints Committee for the organised sector and the Local Complaints Committee for the unorganised sector be constituted by the authorities. However, the real need is to educate women on what constitutes sexual harassment, since they may have been subjected to it but have chosen to ignore it because of the stigma that may be linked to them if they report it. According to a Google Trends report, the globe is presently experiencing a major awakening as a result of the #Metoo campaign, with India ranking first.

Nonetheless, a look at #MeToo and public media reactions to the one-in-five number is a good place to start. Addressing the ways in which legal language has the capacity to influence or colour ordinary reactions to sexual assault becomes simpler in the context of a time when these limits are being subjected to regular, focused examination, which is helpful. Efforts to raise awareness, such as #MeToo, may not constitute a watershed moment. However, the durability and resilience of consciousness-raising as a constructive and powerful counterbalance to law's technical and juridical limits has focused attention on these constraints as well as persistent deeply ingrained oppressive patterns, whose pervasiveness necessitates examination. One hopes that this conversation, in whatever shape it takes, will provide tools and ways of discourse that will allow us to address the persistent issue of sexual assault.

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