**Non-Sexist Sexual Humor as Quid Pro Quo Sexual Harassment**

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**Abstract**

Many researchers in the fields of law, sociology and psychology, have already identified how sexist humor is connected with improper sexist behavior, leading to tolerance towards sexual misconduct and the exclusion of (mostly) women from the working community, among other results. However, scholars have yet to address the problematic nature of non-sexist sexual humor, which could potentially constitute sexual harassment.

This paper seeks to address this gap in the scholarship by creating a distinction between two forms of humor-based sexual harassment. The first and the more familiar type is sexual harassment using sexist humor. The second type, which has been unaddressed to date, is sexual harassment using non-sexist sexual humor.

Using a pragmatic-linguistic analysis of sexual humorous expressions, this paper argues that in some cases, the use of even non-sexist sexual humor should be considered an inappropriate sexual advance, or a form of quid pro quo sexual harassment in the work place.

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**Introduction**

Humor-based sexual harassment has been examined extensively in the academic literature, and sexist jokes have been recognized as the most common form of sexual harassment in the workplace.[[1]](#footnote-1) However, while some scholars believe that expressions of overtly sexist humor create a “hostile environment” in the workplace,[[2]](#footnote-2) there is no scholarly reference to problems that may arise from the use of *non-sexist* sexual humor in the workplace.

Moreover, both legal and other fields of scholarship do not address the possibility that even non-sexist sexual humorous expression may, given certain circumstances, constitute quid pro quo sexual harassment.

Using a pragmatic-linguistic analysis of non-sexist sexual humorous expressions, this essay seeks to examine if and to what extent these expressions constitute quid pro quo sexual harassment.

The first part of the paper will distinguish sexist humor from non-sexist sexual humor, addressing the possibility of overlapping types of humor. The next part will address current views on humorous sexual harassment, positing an original distinction not yet made in the literature between sexist humorous sexual harassment and non-sexist humorous sexual harassment. Based on this analysis, the primary argument will be that not only sexist humor can constitute sexual harassment, by virtue of being derisive, misogynistic, or humiliating. In fact, any humor addressing sex and sexuality, even in a way that is not misogynistic or derisive, may rise to the level of harassment, as it can be interpreted as an inappropriate sexual offer in the workplace.

The next and central part of the paper will support this argument by identifying the goals and social uses of sexual humor and by examining the pragmatic aspects of such humor. It will be suggested that sexual humor, both sexist and non-sexist, is often used as a sexual innuendo or as a polite sexual advance that may be viewed, in some circumstances, as constituting a quid quo pro sexual harassment.[[3]](#footnote-3)

1. **Sexist Humor, Sexual Humor and Non-Sexist Sexual Humor**

The common definition of sexual humor, frequently referred to as dirty jokes, includes all types of humor that reference various sexual aspects: sexuality, sexual relations, genitals etc.[[4]](#footnote-4)

In contrast to general sexual humor that focuses on sex and sexuality, specifically sexist humor has gender roles as its main content. While such sexist humor may refer to sex or sexuality, its sexist nature relies on its presentation of these subjects by expressing misogynistic or sexist views, whether by presenting unflattering gender stereotypes,[[5]](#footnote-5) representing solely the male perspective,[[6]](#footnote-6) being based on sexist assumptions[[7]](#footnote-7) or relying on sexist assumptions to add “fun” to the joke.[[8]](#footnote-8)

Strictly speaking, not all sexist humor is also sexual humor. A good example of a joke that is sexist but not sexual is the following:

Q: Is Google male or female?

A: Female, because it doesn’t let you finish a sentence before making a suggestion.

This joke relies on a sexist view of women’s behavior, that “They don't let you finish a sentence,” but has no reference to sex or sexuality.

In contrast, some, albeit not all, sexual humor can also be sexist humor. The following is a good example of a joke that is both sexist and sexual:

There’s a new drug for feminists on the market to cure depression; it’s called Trycoxagain.

This is example is clearly a joke that bluntly refers to sexuality (“cock”), and also relies on a chauvinistic perception of women that, feminists are "grumpy women" that just need a man. For the purpose of this paper, this type of joke will be defined as sexual-sexist joke, to which the discussion of sexist jokes applies, as well as the following discussion on sexual jokes.

However, as stated in the Introduction, this paper primarily addresses the heretofore unexamined problems arising from the use of non-sexist sexual humor. Sexual humor which is not sexist is often considered completely harmless, as it does not overtly preach hatred of women or elicit chauvinistic or sexist perceptions, but merely deals with issues of sex and sexuality. Thus, there is no obvious reason to denounce it. In fact, such humor is seen as expressing a healthy sexuality and liberal perspective.

The following is an example of a non-sexist sexual joke:

Husband: I want you to tell me when you have an orgasm.

Wife: But you said not to call you when you’re at work…

This joke refers to sexual relations (orgasm), but seems to rely not on sexist prejudices, but rather on stereotypes concerning the sexual boredom of married life.

Drawing on this evidence, non-sexist sexual humor will be defined as humor containing sexual elements but not sexist prejudices or perceptions.

This study will begin by examining the current views on sexist and sexual humor as sexual harassment.

1. **Sexist and Sexual Humor as Sexual Harassment: Current Views**

The term sexual harassment customarily applies to types of behavior which take place in the work place and which are perceived as infringing the victim's rights to equal opportunities in the work force.[[9]](#footnote-9)

Generally, there are two types of sexual harassment: quid pro quo and hostile environment.[[10]](#footnote-10) The conditioning of professional opportunities on meeting the sexual demands of a co-worker or superior is usually categorized as quid pro quo sexual harassment. Hostile environment sexual harassment involves demeaning behaviors which humiliate people based on their gender or sexual orientation etc. in such a way that significantly damages their professional functioning or enjoyment of their professional endeavors.

An example of quid pro quo harassment could entail a woman’s boss demanding sexual compliance in order for her to keep her job, while an instance of hostile environment sexual harassment usually refers to a work environment where misogynistic or sexist comments or references are present.

Usually, sexist humor in the work place has been designated as possible hostile environment sexual harassment[[11]](#footnote-11) if the humor even rises to the level of sexual harassment.[[12]](#footnote-12) Much of the research and writing on sexist humor has focused on how it damages women, and it has been argued that sexist humor reinforces and preserves women’s inferior social status,[[13]](#footnote-13) promotes tolerance for discrimination and sexist behavior, [[14]](#footnote-14) and causes discomfort, disgust and sometimes mental distress in women.[[15]](#footnote-15)

However, there is no scholarship addressing the possible classification of all types of sexual humorous expressions, even non-sexist ones, as quid pro quo harassment due to the inherent possibility of interpreting such expressions as sexual invitations. Addressing this gap, the next section contends that despite its ostensibly harmless nature, non-sexist sexual humor may, in certain cases, such as its appearance as part of workplace relations, constitute an inappropriate sexual offer, potentially rendering it sexual harassment.

To support this argument, various uses of sexual humor will be analyzed in the next section. This examination of the different purposes of sexual humor should help clarify which purpose is actualized in a variety of social situations and thus identify when sexual humor is legitimate and when it is inappropriate.

1. **The Use of Sexual Humor**

In a content analysis of orally transmitted humor in New York made by Winnick in 1963,[[16]](#footnote-16) seventeen percent of the jokes identified involved sexual subjects, a percentage significantly higher than that of any other category. How can the prominence of sexual themes in the world of humor be explained? Academics have recognized several functions that are fulfilled by the use of sexual humor.

1. **Sexual Humor as a Way of Discussing Taboo Subjects**

According to Mulkay,[[17]](#footnote-17) humor is often employed to deal with topics which, while important, are nonetheless difficult to contend with in a serious mode. Thus, sex, much like scatological subjects, such as bowel movements, for example, or nudity, have “restricted passage” within the serious mode.[[18]](#footnote-18) Mulkay believes that the very use of the term dirty joke to describe a joke with a sexual subject reveals the taboo on discussing sex in social situations. Unlike the clear limits of serious discourse, such as avoiding the use of rude words or restricted topics, the limits of humorous discourse are more flexible, allowing for the discussion of sexual themes that are barred from what are considered serious discussions, where sexual matters are considered illegitimate and usually unacceptable. Thus, when the discussion is “marked” as “humorous,” it allows for more freedom to raise otherwise “forbidden” sexual topics.[[19]](#footnote-19)

Clearly, humor does not void all social limitations on discussing sex. Consequently, for example, jokes involving sex tend to be told within groups where only one gender is present, in a relaxed atmosphere lacking sexual tension. However, even outside such situations, participants in a discussion involving “inappropriate” subjects may insist that their words not be taken seriously, in order to avoid any question of their having crossed the boundary between appropriate and inappropriate discussion.[[20]](#footnote-20)

1. **Sexual Humor as a Means of Conveying Information on Sex**

Another function of “dirty” humor is as a transmitter of sexual information, attitudes and emotions.[[21]](#footnote-21) A serious discussion provides only limited opportunities to convey such information. As a result, a joking mode will be resorted to in order to perform this function. In this way, sexual jokes assist in transmitting knowledge about subjects that are intriguing for the group but difficult to communicate in the serious mode. One joke presented in Mulkay’s study, as told by a twelve-year-old girl to her friends, provides a good example:

There was this woman and she went into a shop and she said, *“*Have you got any Tampax?*”* And the man said *“*Paaardon?*”* She said, *“*Have you got any Tampax?*”* And he said, “Um, pardon?*”* And she goes, *“*Have you got any Tampax?*”* He said *“*Sorry, can you speak a bit louder. I can’t hear you.*”* She said, *“*Have you got any bloody Tampax?*”* *A*nd he goes, *“*Sorry, we do not sell second hands*.*”[[22]](#footnote-22)

In this case, the joke is highly relevant as a mechanism for conveying information, which is also why sexual humor appeals to teenagers. This joke concerns issues related to the monthly menstrual period, and the one telling it, a twelve-year-old girl, is close to the age of sexual maturity. This joke uses humor to provide young girls important information on a subject which is becoming increasingly relevant to them at this stage of their lives.

Another joke presented in Mulkay’s study, which also demonstrates the use of jokes to share information among adolescents, involves a woman who arrives at the doctor’s office with a baby. Mulkay presents the transcript of the girls’ conversation, whose friend is telling them a joke:

A: “At the doctor’s this woman with a baby…

Doctor asks, ‘Is he breast-fed or bottle-fed?’

‘Breast-fed,’ she says.

‘Right,’ he says. ‘Strip to your waist.’

“When she'd took her clothes off, he started to touch her boobs.”

B: (giggles)

C: (giggles)

A: “Then he started to suck 'em.

‘No wonder this baby’s ill. You've got no milk.’

‘I’m not surprised,’ she says, ‘it is my sister's baby.’

‘Oh dear, you should not have come then.’

‘I did not til you sucked the second one.’ (hahaha)

B: “Eh?”

A: “She didn’t come until he sucked the second boob.”

B: “Oh.” (laughs)

C: (laughs) [[23]](#footnote-23)

This joke clearly demonstrates how sexual humor performs the function of conveying information. The first punch line of the joke about misidentification, when the woman says it is her sister’s baby, is completely ignored by the girls. The punch line which results in the girls’ laughter is the one referring to the significance of the female breast in having sex. However, here too, there is a delay in arriving at the humorous catharsis. At first, immediately after the joke ends, B and C do not laugh, and B even asks for a clarification, asking, “Eh?” Only after girl A provides this clarification do the two other girls laugh. The initial misunderstanding demonstrates that practical information has been conveyed here. Thus, according to Mulkay, the girls learned that one can achieve sexual satisfaction by having their breasts touched. It can also be argued that the joke indicates that the girls learned the double meaning of the word “come” in English, which can also mean achieving orgasm.

Indeed, it cannot be ascertained with any certainty what the girls made of the joke, since humor, by its very nature is not clear or determinate. It is precisely humor’s ambiguous nature which makes it so suitable for transmitting information about sex and sexuality. When receiving information about sex from humorous sources, the recipients need not reveal their ignorance about sex, since any lack of understanding is not necessarily ascribed to lack of knowledge.[[24]](#footnote-24)

The problem with this method of conveying information, according to Mulkay, is that it places the task of distinguishing between facts and fantasy or fabrications upon the listeners. Jokes of this kind leave it to the adolescents to separate truth and fiction and require that these young people have the appropriate interpretational skills to perform this task. In light of this joke, it should be further noted that conveying information about sex through humor can result in serious and possibly even dangerous misunderstandings about sex. For example, it could be understood from the joke above that women enjoy rape. The potential harm of sexist humor in general has already been described in the previous sections. It can only be assumed that the damage of sexist humor can be even greater with children or adolescents.[[25]](#footnote-25)

1. **Sexual Humor as Sexual Offer**

To illustrate the spectrum between formal interaction and sexual offers or "pickups," the anthropologist and folklorist Alf Walle provides an overview of occurrences in an all-night diner.[[26]](#footnote-26) From this, Walle concludes that there is a five-component typology that best reflects the continuum of client-waitress interactions:

* Institutional Behavior: The roles defined by the specific public space provide meaning to the empirical observations of certain behavior. In the diner example, the roles are that of the patron and client: the waitress is a paid employee and the male customers are patrons of the diner. The behaviors involved include those of the waitress, such as serving or preparing of food, taking orders, and accepting payment for services rendered, and the corresponding behaviors of the customer.
* Impersonal Behavior: The specific situation can also determine certain common courtesies. In the diner example, this level of interaction includes answering impersonal questions, engaging in trivial conversations in which few if any value judgments are made, and performing simple favors such as giving someone an already read newspaper.
* Personal Behavior: Personal behavior refers to behavior which solicits and utilizes information of a personal nature, with one or both of the parties talking about their personal lives, beliefs, social arrangements, and so forth. Personal behavior includes treatment of the other person as a specific person and not merely as a member of a formal category, such as a customer or a waitress.
* Sex Role Behavior: Sex role behavior requires or presupposes that the actors adopt their respective stereotypical sexual roles. It involves activities such as non-serious flirting or adoption of culturally expected sex roles such as a male in the role of a mechanic advising a naive female about her car. Sex role behavior does not necessarily imply sexual interest in the other person, but merely that the conventionally accepted sex roles are appropriate.
* Intimate Behavior: Intimate behavior refers to behavior which demonstrates a physiological/psychological sexual interest in one or both of the parties. With respect to the specific setting of a diner, this level of intimate behavior only includes interaction leading to a meeting after the waitress is released from work.

According to Walle, a party interested in reaching the stage of intimate behavior can use various categories of behavior to “collect information” on the other party, so as to escalate from institutional behavior to intimate behavior. This way, if at some point the other party decides to reject the pickup, it is easier to do so in such a way that does not seem like an explicit rejection and that avoids any attendant humiliating effects. For example, if a customer is interested in a waitress, and tries to climb up the behavioral ladder, the waitress could gently reject the advances in a way which makes this rejection less explicit, and thus, less humiliating for the customer, such as by saying she is busy and cannot talk.

Walle continues his argument by contending that the initiating party’s humor can indicate the behavioral stage at which the parties are situated. For example, the use of general humor, the kind which includes only subjects which are universally accepted as in good taste, is an indication that the interaction is currently at the impersonal level. The use of topical humor, or humor which includes reference to subjects which could be controversial, demonstrates a shift to personal behavior. Finally, the use of sexual humor, the most intimate level of humor, marks a shift to sex role behavior.

Thus, the topic of the humor employed not only can frequently serve as a general indicator of the level of interaction at which the joke teller and the audience are operating, but it can also enable the joke teller to gather information on the chances of any pickup attempt without taking the risks of an explicit sexual advance. This way, any rejection of the pickup attempt does not reflect directly on the joke teller, since it was not explicitly made.

Furthermore, Walle explains that rejection in these cases is accomplished through denial of the humor. Thus, in Walle’s review, all the waitresses in the diner enjoyed sexual humor and often employed it among themselves and with customers. But on certain occasions, these same waitresses would feign embarrassment or shock when a customer would tell such a joke. The negative responses varied from the humorous, such as, “Oh, my virgin ears,” to threats to call the manager or the police. In such cases, the waitress pretended the joke was objectionable, because giving the more appropriate response of laughing would have raised the level of the customer-waitress relationship to that of the sex role stage of interaction. The easiest way to prevent this transformation was for the waitress to refuse to interact at sex role level by pretending to dislike the sexual humor. This type of response usually occurred if the waitress believed a male customer was attempting to pick her up when she wasn’t interested in him. By failing to interact at the sex role level of interaction, she usually could squelch the male’s pickup attempt without making him suffer a clear-cut rejection.

Although Walle’s observations were made in an all-night diner only, scholars consider the dynamics described by Walle relevant to a broad spectrum of interactions outside the diner or pickup bar scene.[[27]](#footnote-27)

1. **The Problem with Sexual Humor: Sexual Humor as Quid Pro Quo Sexual Harassment**

The preceding section reviewed the different purposes of sexual humor. In the context of this study’s analysis, the use of sexual humor as a sexual offer is problematic, as in certain circumstances, such an offer can become improper and constitute sexual harassment.

1. **The Pragmatics of Sexual Humor as a Sexual Offer**

This section will examine the question of why someone chooses to make the sexual offer using a sexual joke, and why the recipient interprets it is as a sexual offer. The first part of this subsection will analyze the interpretational process leading a recipient to conclude that the speaker is making sexual offer. The second part probes what motivates the speaker to make a sexual offer using a sexual joke, using pragmatic tools to determine the severity of such an offer compared to an offer made directly and not humorously.

1. **Why Does the Recipient Believe that a Sexual Joke Contains a Sexual Offer?**

Herbert Paul Grice’s theory of conversation makes a sharp distinction between what someone says and what someone implicates by uttering a sentence.[[28]](#footnote-28) What someone says is determined by the conventional meaning of the sentence uttered and by the contextual processes of disambiguation and reference fixing. What is implicated by an utterance is associated with the existence of some rational principles and maxims governing conversation, not including “conventional implicatures” discussed below. What is actually said is widely identified with the literal content of the utterance, while what is implicated, the “implicature,” is associated with the non-literal, or that which is intentionally, but not explicitly, communicated by the speaker.

According to Grice, the calculation of conversational implicatures is grounded on common knowledge of what the speaker has said. Even more significant is the mere fact that the speaker has made the utterance, the linguistic and extra-linguistic context of the utterance, general background information, and the consideration of what Grice dubs the “Cooperative Principle” (CP): “Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged.”[[29]](#footnote-29)

Grice assumes that both the recipient and the speaker follow certain principles during the conversation between them in order to achieve a purpose, such as conveying information or convincing the other party.

According to Grice, the CP is implemented in the plans of speakers and the understanding of the hearers by following certain maxims:

* *Quantity*
	+ Make your contribution as informative as is required for the current purposes of the exchange.
	+ Do not make your contribution more informative than is required.
* *Quality*
	+ Supermaxim: Try to make your contribution one that is true.
	+ Submaxims:
		- Do not say what you believe to be false.
		- Do not say that for which you lack adequate evidence.
* *Relation*
	+ Be relevant.
* *Manner*
	+ Supermaxim: Be perspicuous.
	+ Submaxims:
		- Avoid obscurity of expression.
		- Avoid ambiguity.
		- Be brief and avoid unnecessary prolixity.
		- Be orderly.
		- Frame whatever you say in the form most suitable for any reply that would be regarded as appropriate; or facilitate the appropriate reply in your form of expression.

According to Grice, conversational implicatures are derived on the basis of the recipient’s assumption that the speaker is obeying one or more of these conversational principles. Sometimes two principles are opposed, and in order to follow one principle, the speaker needs to violate another one. But an intentional violation of a principle of discourse could cause the creation of an implicature, as long as the principle of cooperation is preserved. The following are some examples to help illustrate the mechanics of implicature according to Grice:

1. Context: a conversation between Yossi’s father and the math teacher.

 Yossi’s father: “How is Yossi at math?”

 Math teacher: “Yossi is ok at math.” [[30]](#footnote-30)

From the teacher’s answer, Yossi’s father can conclude that Yossi is “no more than ok” in math. This conclusion is based on the assumption that the teacher is obeying the first quantity principle. According to this principle, if, for example, Yossi was good in math, the teacher should have said so explicitly, because this claim is both relevant to the context and more informative. The fact that the teacher chose to use the vaguer, less informative language and based on the assumption that the teacher is not violating the first quantity principle, the father concludes that the teacher, knowing that the more informative language would be false, simply cannot use it as doing so would violate the quality principle. Thus the father will conclude that the teacher considers Yossi just ok and not good in math.

(2) The following is another example:

Dafna: “Which director won the Oscar this year?”
Yossi: “Martin Scorsese or Clint Eastwood.”

Dafna will conclude from Yossi’s answer that he does not know which director won the Oscar. Yossi violates the first quantity principle by failing to provide Dafna with the precise answer to her question. This violation could be explained by Yossi’s desire to obey the quality principle, as he does not want to say something that he is not certain is true. Note that if Yossi did know the answer and still chose to reply the way he did, he would be violating the principle of cooperation.

(3) Another example:

Dafna: “Did you watch the Oscars yesterday?”
Yossi: “I don’t have a television.”

In this example, Dafna concludes that Yossi did not watch the Oscar because Yossi’s answer does not directly respond to Dafna’s question and does not even imply an answer. Perhaps he watched the ceremony at the venue itself or at a neighbor’s home. However, Dafna may assume that Yossi’s answer is obeying the principle of relevance and that the fact that he does not have a television leads to a yes or no answer to her question. Dafna thereby assumes that Yossi’s answer is indeed relevant to her question. Because the likely assumption is that if Yossi had watched the Oscars, he would have done so at home, his reply that he has no television leads to the implied answer of no. In order to conclude otherwise, and to believe that Yossi had actually watched the ceremony, Dafna would need to make much less probable assumptions, such as that he had travelled to the United States to see the ceremony, purchased tickets, etc.

Asa Kasher rejects the cooperation principle,[[31]](#footnote-31) and claims that in certain cases it does not apply. Kasher argues that there is a much more basic principle: “the rational principle of effective means,”[[32]](#footnote-32) underlying the cooperation principle from which Grice’s four maxims of CP implementation emerge. According to Kasher: “Given a desired end, one is to choose that action, which most effectively, and at least cost, attains that end, ceteris paribus.”[[33]](#footnote-33)

From here, according to Kasher, the rationality principle follows: “There is no reason to assume that the speaker is not a rational agent; his ends and his beliefs regarding his state, in the context of utterance supply the justification of his behavior.”
A male speaker’s decision to tell a sexual joke to a female colleague can be analyzed in the light of the foregoing principle. Thus, when a speaker tells a sexual joke to a female colleague, the recipient’s interpretative process would begin by noting that the speaker had told a sexual joke. According to the relevance principle, the sexual aspect is not redundant information, but has relevance to the conversation. Otherwise, the speaker would have told a joke with no sexual aspect. It is possible to interpret his use of a joke with a sexual aspect as an attempt to make a sexual offer. This possibility stems from, among other things, the two parties being a man and woman, which is the most common partnership in contexts with sexual meaning. The female recipient would have no reason to assume that the teller of the joke is not a rational agent. He would not have been a rational agent unless he was aware of the possibility of the recipient interpreting the sexual joke as an attempt at sexual offer. The recipient would continue by assuming that the speaker knows, and knows that the recipient knows that he knows, that the recipient can tell that he believes that it is expected that the sexual joke will be interpreted as a sexual offer. The speaker did nothing to prevent the recipient from thinking the sexual joke was an attempt to make a sexual offer. From this, the recipient can conclude that the speaker means for her to think, or at least allows her to think, that he is “hitting on her;” that is, he is implying (implicature) that he is hitting on her.

To this interpretational analysis can be added a more specific analysis made in light of the context. For example, from the principles of rationality and quantity, it can be concluded that the sexual aspect of the humorous sexual expression determines the level of the sexual implication. If the joke is not very explicit, the implication could be a mere flirtation. However, a blunt sexual joke can be perceived as close to an explicit sexual advance. The context of environment is also significant, as a sexual joke told by a man to a woman at a bar carries a clearer meaning of an attempted sexual advance than does a joke told by a man at a family dinner, etc.

1. **Why Does the Speaker Choose to Make a Sexual Offer Using a Sexual Joke?**

Having now examined how humor can be employed to make a sexual offer, this section will use pragmatic tools to determine the severity of such an offer in comparison to an offer made directly and non-humorously.

It is arguable that a sexual offer using humor is less sever than a sexual offer made directly, because, among other things, it is more vague and easier to ignore. In order to respond to this argument, it is necessary to understand the hidden pragmatic assumptions behind the speaker’s choice to present a sexual offer using humor. This can be accomplished by using two complementary analyses of the humorous sexual offer. The first approach interprets the speaker’s joke strictly, while the second approach is more flexible. According to the strict analysis, sexual humor constitutes an innuendo in terms of conversational implicature, and thus is more severe than a direct offer. According to the more flexible analysis, sexual humor is more polite than a direct offer, and therefore is not as severe as the latter.

**b.1. Sexual Humor as Conversational Implicature of the Innuendo Type**

David Bell claims that sexual humor constitutes innuendo: that is, an interaction which is meant to influence the hearer while hiding the speaker’s intention in order to protect the speaker from the consequences of an explicit remark. [[34]](#footnote-34) In the case of a sexual offer, it can be assumed that the resulting sanction can be an explicit rejection, anger, or a complaint about sexual harassment.

According to Bell, innuendo has a “pseudo-overt” meaning and a “non-overt” one. While the pseudo-overt meaning is based the literal meaning, the non-overt meaning creates an invitation for interpretation. Thus, for example, when it is pointed out that “the captain was not drunk today,” the pseudo-overt interpretation is that the captain had not had enough alcohol to have made him drunk, while the non-overt or implied meaning is that there were many days when the captain did indeed get drunk.[[35]](#footnote-35)

Innuendoes work by maintaining a semblance of seriousness and plausibility in their literal or pseudo-overt meanings. This allows speakers to both avow the pseudo-overt meaning and to deny any non-overt meaning and, at the same time, enables audiences to ignore non-overt meanings. The very nature of innuendo reflects the speaker’s wish that, “their intent is not recognized, or at least not recognized as intended to be recognized.”[[36]](#footnote-36) With innuendo, the speaker’s purpose is for the hearer to suspect the speaker’s true intentions, but the speaker intends for this suspicion to remain at the level of suspicion and not rise to the level of knowledge.[[37]](#footnote-37) Innuendo allows speakers to make their intent sufficiently transparent while at the same time suggesting that their intentions are actually to conceal their intent.[[38]](#footnote-38)

Much like other conversational implicatures, the innuendo conversational implicature can be eliminated without creating a semantic contradiction between the implication and its denial.[[39]](#footnote-39) For example, there is no logical contradiction in the coupling of “The captain was not drunk today. But I do not mean that he was drunk before.” Similarly, there is no contradiction when the speaker tells a sexual joke and immediately after clarifies to the hearer: “But I don’t mean to hit on you.” However, the argument can be made that it is precisely in these cases where a “denial” is uttered that the implication is not cancelled but rather strengthened, becoming articulated and even more explicit.[[40]](#footnote-40)

According to Sperber and Wilson,[[41]](#footnote-41) speakers make decisions not only about the issue of whether to be explicit or implied, but also about the level of clarity of the implied expression. Those who introduce innuendo into their speech are torn between the need to limit the hearer’s determination of the nature of the intended non-overt message by making a transparent innuendo, and the need to protect themselves against charges of making non-overt derogatory assertions by ensuring that the innuendo remains sufficiently opaque so that such charges are at best avoided or at least can be plausibly denied.[[42]](#footnote-42) The decision to convey a message by innuendo appears to be the result of calculating the risks of explication of the negative connotation together with the benefits of implication.[[43]](#footnote-43)

A significant advantage of a successful innuendo is that it shifts the burden of proof[[44]](#footnote-44) onto the recipient of the innuendo, thus creating a situation in which any negative meaning implied by the innuendo can have a permanent staining effect on the recipient.[[45]](#footnote-45) Thus, in the case of a sexual joke, the burden to prove that it involves a sexual offer is on the hearer. If she accuses the speaker, the speaker can always deny that it was an innuendo, and claim that “it was just a joke.” Consequently, it can be concluded that, in a certain sense, the ambiguous nature of the humorous sexual offer is actually more offensive to the recipient than a direct sexual offer. Thus, while in the case of an explicit sexual offer, when things are said clearly, the hearer can point an accusing finger at the offeror, in the case of a sexual humorous offer, the burden of proof is on the recipient to prove there actually was an offer. In many cases, she may suffer from the unpleasantness of the offer but won’t have any real way of confronting the one making it.[[46]](#footnote-46)

**b.2. Analyzing a Sexual Joke as a Polite Sexual Offer**

Another source to explain the use of humorous sexual offers can be found in various theories related to politeness.

As mentioned above, according to Asa Kasher, the rational principle of effective means, or that, “Given a desired end, one is to choose that action which most effectively, and at least cost, attains that end, ceteris paribus,” is relevant to all discourse. However, according to Kasher, at times, the more effective a certain action is, be it a conversation or something else, the greater the costs it entails. Under Kasher’s analysis, polite discourse is just another aspect of the tension existing between cost and effectiveness.[[47]](#footnote-47) On one hand, violating the rules of politeness comes with a cost for the speaker. On the other hand, being overly polite can undermine the effectiveness of the expression. Kasher presents the example of someone interested in having the door opened for him or her. The speaker, striving for an optimal balance between cost and effectiveness, uses an initial filtering. During this process, some of the possible expressions are removed from the list of possibilities, some because they have limited effectiveness, such as an overly polite recounting of a long story about something that once occurred involving someone opening a door for him or her, or because they involve too high a cost, such the impolite possibility of banging on the table angrily and shouting, “Open the door!” After this initial filtering, there are several options remaining the effectiveness of which is certain, such as, “Could you open the door for me?” or “Could you open the door for me please?”

The same process will occur in the case of a polite sexual offer. For example, a speaker wishing to embark on a sexual relationship with his colleague will rule out extreme options such as long stories with no effectiveness in achieving the goal of clarifying his sexual interest in the college, or those with excessively high costs, such as a rude and direct approach: “I want to sleep with you.”

Other theories from the field of linguistic pragmatics view the politeness mechanism as essentially psychological, contending that politeness is a tool for maintaining stability in relationships with others. This premise that politeness helps maintain stability in relationships served as the basis of Penelope Brown and Stephen Levinson’s theory of politeness.[[48]](#footnote-48) According to Brown and Levinson, the “face” or personal impression one makes relates to the two basic human needs. The first, the “positive face,” reflects an individuals need to have his or her wishes and desires appreciated in a social context. In contrast, the second, “negative” face expresses an individual’s need for freedom of action, freedom from imposition, and the right to make one’s own decisions.

Brown and Levinson’s theory of politeness relies on the assumption that most speech acts inherently threaten either the speaker or the hearer’s sense of face. Thus, unrestrained expression of emotions which could embarrass or frighten the hearer constitutes a threat to his or her positive face, since they can suggest that the speaker is indifferent to the needs and wishes of the hearer. On the other hand, various offers can constitute a threat to the negative face of the hearer, as they may create pressure on the hearer to accept the action or reject it, and thus limit the hearer’s freedom of action. For the speaker too, there are actions which threaten his or her face, such as talking in a way that involves self-humiliation, which constitutes a threat to the positive face of the speaker. These “threatening” actions are called “face threatening acts”

According to Brown and Levinson, politeness is therefore not only a necessary component of non-offensive, or non-face threatening communication, but it also serves as a mechanism for addressing problems of positive and negative face. When using “**positive politeness**,” the speaker’s goal is to address the positive face needs of the hearer, and thus enhance the hearer’s positive face, while using “**negative politeness”** addresses the hearer’s need for freedom of action and freedom from imposition in making his or her own decisions.

The linguist Geoffrey Leech proposed that most interactions are governed by a politeness principle that is accompanied by conversational maxims that explain how politeness operates in conversational exchanges.[[49]](#footnote-49) Among other things, Leech mentions the “agreement maxim,” which means to Minimize the expression of disagreement between one’s self and other; maximize the expression of agreement between one’s self and other, as well as the “tact maxim” which means toMinimize the expression of beliefs which imply cost to other; maximize the expression of beliefs which imply benefit to other.

These maxims dictate our strategies of politeness in common conversations in many ways. Thus, for example, when someone wishes to ask for something, but does not want to impose him or herself in a way that will threaten the negative face of the hearer, the speaker chooses to act politely, using indirect modes of expression. As mentioned, by their very nature, requests and suggestions pose a threat to the face of the recipient by limiting that party’s freedom of choice. Furthermore, if the recipient is not interested in acquiescing to the request, a situation is created in which he or she would act impolitely. Brown and Levinson found that there are politeness strategies designed to enable the speaker to ask or suggest things indirectly. For example, when someone wishes to ask a friend to open the door, it is typical to choose indirect speech acts, such as “Is there any chance of your opening the door?” or “Could you open the door?,” rather than a direct speech act: “Open the door.” In these cases, the indirect phrasing is perceived as more polite, since it purportedly gives the recipient more options.

Analyzing the humorous sexual offer according to the politeness theory reveals that a speaker’s choice to make a sexual offer using sexual humor can be perceived as a politeness strategy, designed to reduce the threat to the positive face of the speaker and to the positive and the negative faces of the hearer. In a case where someone, the speaker, wishes to make a sexual offer to a woman, the hearer, the speaker is afraid of a number of threats to his face and to the face of the hearer. First, the speaker is afraid that he will humiliate himself by revealing his feelings and sexual attraction for the hearer. As a result, the speaker is afraid for his positive face, as he could lose some of the appreciation and recognition which the hearer holds for him and be exposed to embarrassment. The speaker may also fear that his offer will be interpreted as limiting the hearer’s freedom by forcing her to respond. In this sense, the offer could also threaten the negative face of the hearer, as she could feel pressured to accept or reject the offer. There is also a threat to the positive face of the hearer, as in revealing his emotions, the speaker could embarrass the recipient and make her feel that the speaker is indifferent to her needs and wishes. It is now apparent that in the case of a sexual offer, it is more likely that people will choose to use a politeness strategy in order to reduce the threat to their face and the face of their hearers. One strategy which can be chosen is the “off-the-record” strategy,[[50]](#footnote-50) creating a certain degree of vagueness about the offer, and enabling the recipient to ignore or reject it without explicitly refusing. One way to accomplish this is to use sexual humor to signal the speaker’s desire to make a sexual offer. Therefore, a sexual offer using humor can be interpreted as a polite variation of a more conventional, director sexual offer. While a conventional sexual offer is phrased openly as a clear sexual offer demanding an acceptance or rejection, a sexual offer using sexual humor is phrased indirectly, in a way that maintains the face of both the speaker and the hearer.

If sexual humor is indeed used as a polite way of making a sexual offer, it can be argued that sexual harassment, or an improper sexual advance in the work place, using sexual humor is not as threatening as a direct sexual offer. When the speaker makes a direct sexual offer, he does not show any concern for the face of the hearer and places her in an uncomfortable situation in which she clearly must respond to the offer. When a sexual offer is made through humor, the damage to the hearer’s face is reduced, since the vagueness of the offer allows her to ignore it, thus minimizing any limitations on her freedom.

However, it is arguable that in certain cases, the speaker making the humorous sexual offer is not concerned with the damage to the hearer’s face, but with the damage to his own face, such as his fear of being humiliated as a result of revealing his emotions. While this possibility is plausible, it is impossible to ignore that whether the speaker intends it or not, a humorous sexual offer is, in effect, less damaging to the face of the hearer than is a direct offer, and therefore less problematic.

While an improper humorous sexual offer can also be harmful, it is nonetheless arguable that a humorous sexual offer can be less offensive that a direct sexual offer. The humorous sexual offer takes into account, at least to a certain degree, the possible damage to the hearer and consequently attempts to reduce it, while the direct offer entirely ignores the possible damage to the hearer’s face.

Still, the use of humor in making a sexual offer does not nullify the discomfort caused to the hearer by the very thought of the harassing interpretation, and the fear, albeit reduced, that she cannot refuse. In essence, the recipient of even the humorous sexual offer could still fear for her job if she ignores the offer and does not cooperate. There is a question as to whether an employee has a real option of rejecting the implied offer. Can a subordinate employee choose not to laugh at a joke made by her boss, as did the waitresses in Walle’s study? Can she threaten humorously, like they could, to call the police in order to make it clear that she is not interested? Although a humorous sexual offer may be less threatening to the recipient than a direct offer, it is still sufficiently problematic to justify considering this type of expression as sexual harassment.

**Conclusion**

This paper attempts to fill a gap in the existing scholarship about sexual harassment by creating a distinction between two kinds of humorous sexual harassment. The first and the more familiar type of sexual harassment is that which uses sexist humor. The second, heretofore unaddressed type of sexual harassment is that which uses non-sexist sexual humor.

Using a pragmatic-linguistic analysis of sexual humorous expressions, this paper argued that even sexual humor that is *not* of a sexist nature could, in some cases be considered an inappropriate sexual advance, or a form of quid pro quo sexual harassment in the work place.

In light of the conclusions of this paper, it is possible that there is a need for a more thorough examination of all kinds of sexual humor, and not just sexist humor, in the work place, in an attempt to create a safer and equal work environment for all genders and sexual orientations.

1. *See* J.B. Pryor, *The Phenomenology of Sexual Harassment: Why Does Sexual Behavior Bother People in* *the* Workplace?, 47.3 CONSULTING PSYCHOLOGY JOURNAL: PRACTICE AND RESEARCH 160 (1995). [↑](#footnote-ref-1)
2. *See* Orit Kamir *Types of Sexual Harassment,* in HARASSING WORDS: ISSUES IN VERBAL SEXUAL HARASSMEN*T***,** 71, 77 (Liat Levanon, ed., 2011). [↑](#footnote-ref-2)
3. For more on the definition and characteristics of quid pro quo sexual harassment, see Catharine A. Mackinnon, Sexual Harassment of Working Women: A Case of Sex Discrimination (1979). [↑](#footnote-ref-3)
4. For further investigation of sexual humor, examples and characteristics, see: Gershon Legman, Rational of the Dirty Joke: An Analysis of Sexual Humor (1968). [↑](#footnote-ref-4)
5. Id. [↑](#footnote-ref-5)
6. Michael Mulkay, On Humor: Its Nature and Its Place in Modern Society 132 (1988). [↑](#footnote-ref-6)
7. Ronald De Sousa, The Rationality of Emotion (1990). [↑](#footnote-ref-7)
8. Merrie Bergmann, *How Many Feminists Does It Take to Make A Joke? Sexist Humor and What is*

*Wrong with It*, 1 (1) Hypatia 63 (1986). [↑](#footnote-ref-8)
9. This historical-legal origin of this view can be found in Article 7 of the Civil Rights Act of 1964, intended to prevent workplace discrimination, and from which the legal concept of sexual harassment evolved. For more information on the history of this development in the United States, *see* Orit Kamir, *Dignity, Respect, and Equality in Israel’s Sexual Harassment Law,* in DIRECTIONS IN SEXUAL HARASSMENT LAW 561–581 (2004). [↑](#footnote-ref-9)
10. CATHARINE MACKINNON, SEXUAL HARASSMENT OF WORKING WOMEN 32–40 **(**1979). [↑](#footnote-ref-10)
11. Catharine MacKinnon, *Difference and Dominance: On Sex Discrimination*,” in FEMINISM UNMODIFIED 33, 33–44 (1987). [↑](#footnote-ref-11)
12. For more on sexist humor as sexual harassment, see: **Magi** Otsri, Feminists Have No Sense of Humor: Humor as a Defense in Cases of Verbal Sexual Harassment*,* (2016) (LLM, Tel Aviv University)). [↑](#footnote-ref-12)
13. RHODA KESLER UNGER & MARY E. CRAWFORD, Women and Gender: A Feminist Psychology (1992); Rhoda K. Unger & Mary E. Crawford, *Commentary: Sex and Gender: The Troubled Relationship between Terms and Concepts*, 4 Psychological Science 122 (1993); Mary Crawford & Rhoda Unger, *Gender Issues in Psychology*, in Companion Encyclopedia of Psychology Vol. 2 1007 (Andrew Colman, ed., 1992). [↑](#footnote-ref-13)
14. J. Hassett & J. Houlihan, *Different Jokes for Different Folks*, 12.8 Psychology Today 64 (1979); Jean Losco & Seymour Epstein, *Humor Preference as a Subtle Measure of Attitudes toward the Same and the Opposite Sex*, 43.2 Journal of Personality 321–325 (1975); Ann Marie Love & Lambert H. Deckers, *Humor Appreciation as a Function of Sexual, Aggressive, and Sexist Content*, 20.11–12 Sex roles 649 (1989); Norbert Mundorf, Azra Bhatia, Dolf Zillman, Paul Lester & Susan Robertson, *Gender Differences in Humor Appreciation*, 1.3 Humor: International Journal of Humor Research 231 (1988); James W. Neuliep, *Gender Differences in the Perception of Sexual and Nonsexual Humor*, 2.3 Journal of Social Behavior & Personality 345 (1987);‏ Robert F. Priest & Paul G. Wilhelm, *Sex, Marital Status, and Self/Actualization as Factors in the Appreciation of Sexist Jokes*, 92.2The Journal of Social Psychology 245 (1974).

*See also* Myrtle P. Bell, Mary E. McLaughlin & Jennifer M. Sequeira, *Discrimination, Harassment, and the Glass Ceiling: Women Executives as Change Agents,* 37.1 Journal of Business Ethics 65 (2002); Masoud Hemmasi & Lee A. Graf, *Sexual and Sexist Humor in the Work Place: Just “Good Fun” or Sexual Harassment?*, Proceedings of Decision Sciences Institute 455 (1998); Larry R. Smeltzer & Terry L. Leap, *An Analysis of Individual Reactions to Potentially Offensive Jokes in Work Settings*, 41 HUMAN RELATIONS 295 (1988). [↑](#footnote-ref-14)
15. C.F. Boxer & T.E. Ford, *Sexist Humor in the Workplace: A Case of Subtle Harassment*, *in* Insidious Workplace Behavior 175 (J. Greenberg ed., 2010); W. Jack Duncan, Larry R. Smeltzer & Terry L. Leap, *Humor and Work: Applications of Joking Behavior to Management*, 16 Journal of Management 255 (1990); Beth A. Quinn, *The Paradox of Complaining: Law, Humor, and Harassment in the Everyday Work World*, 25.4 Law & Social Inquiry 1151 (2000); Kimberly T. Schneider, Suzanne Swan & Louise F. Fitzgerald, *Job-Related and Psychological Effects of Sexual Harassment in the Workplace: Empirical Evidence from Two Organizations*, 82(3) Journal of Applied Psychology 401 (1997). ‏ [↑](#footnote-ref-15)
16. The study is cited in Mulkay, at 6, footnote 64. [↑](#footnote-ref-16)
17. Id., Chapter 7, at 120–151. [↑](#footnote-ref-17)
18. Id. at 121. [↑](#footnote-ref-18)
19. Id. at 122. [↑](#footnote-ref-19)
20. Id. at 121. [↑](#footnote-ref-20)
21. Id. at 122–125. [↑](#footnote-ref-21)
22. Id. at 121. [↑](#footnote-ref-22)
23. This joke is clearly not only sexual, but also sexist, especially due to the trivial way it refers to what is, in essence, a form of rape. Despite the presence of this element, its sexual traits will be discussed. [↑](#footnote-ref-23)
24. Mulkay, at 6, footnote 124. [↑](#footnote-ref-24)
25. It is interesting to mention here the position of Harvey Sacks that sexual humor is used to convey information which is not sexual. *See* Harvey Sacks, *An Analysis of the Course of a Joke’s Telling in Conversation*, in EXPLORATIONS IN THE ETHNOGRAPHY OF SPEAKING 337 (2d ed., Richard Bauman & Joel Sherzer eds., 1989). However, Mulkay, in his book, criticizes Sacks, claiming that Sacks’s theory is full of fallacies. One of Mulkay’s criticisms is that Sacks uses only one example to prove his theory and even that example seems to contradict his thesis. Furthermore, according to Mulkay, Sacks fails to present support for his assumption that young girls will perceive the joke differently. Finally, Mulkay contends that Sacks rejects the sexual interpretation as a misunderstanding of the joke. However, Sacks’s approach represents an interpretational method which does not conform with sociological research methods, since, according to sociologists, if participants interpret a certain joke as sexual, their reading of it is legitimate and not a misunderstanding or a mistake. [↑](#footnote-ref-25)
26. Alf H. Walle, *Getting Picked up Without Being Put Down: Jokes and the Bar Rush*, 13(2) JOURNAL OF

THE FOLKLORE INSTITUTE 201 (1976). [↑](#footnote-ref-26)
27. *E.g,.* David M. Bell, *Innuendo*, 27 JOURNAL OF PRAGMATICS 35, 55 (1997); Mary Crawford, *Only Joking: Humor and Sexuality*, *in* Sexuality, Society and Feminism Vol. 4 213, 217–216, 432 (Cheryl Brown Travis & Jacquelyn W. White eds., 2000) [↑](#footnote-ref-27)
28. Paul Grice, *Logic and Conversation*, in SYNTAX AND SEMANTICS Vol. 3: Speech Acts 41 (Peter Cole & Jerry L. Morgan eds., 1975); Kepa Korta & John Perry, *Pragmatics* in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Edward N. Zalta, ed. Winter 2015 ed.), (https://plato.stanford.edu/archives/win2015/entries/pragmatics). [↑](#footnote-ref-28)
29. Grice, Id, at 45. [↑](#footnote-ref-29)
30. All the examples are taken from course materials from: Aldo Sevi, *Introduction to Theoretical Linguistics*, Part C (Open University Press, 2012). [↑](#footnote-ref-30)
31. Asa Kasher, *Conversational Maxims and Rationality*, *in* LANGUAGE IN FOCUS: FOUNDATIONS,

METHODS AND SYSTEMS 197 (Asa Kasher, ed., 1976). [↑](#footnote-ref-31)
32. Id. [↑](#footnote-ref-32)
33. Id. [↑](#footnote-ref-33)
34. David M. Bell, *Innuendo*, 27.1 JOUNRAL OF PRAGMATICS 35–59 (1997). [↑](#footnote-ref-34)
35. Id. at 43. [↑](#footnote-ref-35)
36. KENT BACH & ROBERT HAMISH, LINGUISTIC COMMUNICATION AND SPEECH ACTS 101 (1979). [↑](#footnote-ref-36)
37. P.F. Strawson, *Intention and Convention in Speech Acts*, *in* PRAGMATICS 290 (Steven Davis ed.,

 1991). [↑](#footnote-ref-37)
38. See Bell, *Innuendo*, at 34. [↑](#footnote-ref-38)
39. See Bell, *Innuendo*, at 34, footnote 260. [↑](#footnote-ref-39)
40. Id. [↑](#footnote-ref-40)
41. DAN SPERBER & DEIDRE WILSON, RELEVANCE: COMMUNICATION AND COGNITION (1986). [↑](#footnote-ref-41)
42. See Bell, *Innuendo*, at 34, footnote 260. [↑](#footnote-ref-42)
43. Id. at 53. [↑](#footnote-ref-43)
44. This refers to the burden of proof in the literal sense, not the legal sense. [↑](#footnote-ref-44)
45. See Bell, *Innuendo,* at 53, footnote 260. [↑](#footnote-ref-45)
46. While it is theoretically possible for the woman to ignore the offer, this is not really a satisfactory solution. This is because even if the offer was made politely, a woman could still have a rational fear that ignoring it would be interpreted as a refusal which could lead to future repercussions due to the insult of the offeror. [↑](#footnote-ref-46)
47. Asa Kasher, *Politeness and Rationality*, in PRAGMATICS AND LINGUISTICS: FESTSCHRIFT FOR JACOB L. MEY 103 (Jørgen Dines Johansen & Harly Sonne, eds., 1986). [↑](#footnote-ref-47)
48. PENELOPE BROWN & STEPHEN C. LEVINSON, POLITENESS: SOME UNIVERSALS IN LANGUAGE USAGE (1978). [↑](#footnote-ref-48)
49. GEOFFREY N. LEECH, PRINCIPLES OF PRAGMATICS (1983). [↑](#footnote-ref-49)
50. Brown &. Levinson, at 48 . [↑](#footnote-ref-50)