

Sexual Harassment: A Keyhole Solution

Way back in *The Undercover Economist*, Tim Harford taught us the wonder of “keyhole solutions” for social ills:

Keyhole surgery techniques allow surgeons to operate without making large incisions, minimizing the risk of complications and side effects. Economists often advocate a similar strategy when trying to fix a policy problem: target the problem as closely as possible rather than attempting something a little more drastic.

How, then, can we fix health care?... [I]s there a ‘keyhole’ solution...?

So far, it’s advocates of open borders who most frequently invoke keyhole solutions. My forthcoming graphic novel with Zach Weinersmith has a whole chapter on the topic. The idea, though, is universal. Faced with any social problem, you can use a hand grenade... or a scalpel. So why not carefully define the problem, then craft carefully targeted remedies with minimal collateral damage?

Case in point:

Over the last year, resentment of unwanted job-related sexual attention (better known as “sexual harassment”) has gone from high to extreme. It’s easy to grasp why people would see such harassment as a problem. The standard remedy, though, is to punish virtually *all* job-related sexual attention, wanted or not. In practice, workplaces now discourage employees from dating each other – and *heavily* discourage mixed-status romance.

What explains the ubiquity of these broader policies? Simple: It’s hard to know in advance if sexual attention is unwanted. (To quote Merlin in *Excalibur*, “Looking at the cake is like looking at the future, until you’ve tasted it what do you really know? And then, of course, it’s too late.”) Especially if the person making an unwanted advance outranks you, you may be uncomfortable bluntly refusing. The surest way to abolish unwanted attention is to abolish attention itself.

Unfortunately, the abolition of attention causes massive collateral damage. People spend tons of time getting to know their co-workers. As a result, many promising matches are discovered on the job. Furthermore, humans find high status attractive. As a result, attention from higher-status co-workers is often appealing. Ban workplace romance, and you deprive many people of the partner of their dreams. I don’t want my kids to live in a

world where fear crushes love.

What can be done? Before I answer, let's back up. In speed dating, a standard practice is to give every participant a list of names. Men check off all the women they're interested in dating. Women check off all the men they're interested in dating. Once the results are in, organizers inform individuals about all cases of *mutual* interest. The rest go in the trash.

Thus, if Jack checks Sally and Jane, Tom checks Jane, Sally checks Tom, and Jane checks Jack, Jack and Jane are informed that they have a match. But Sally never finds out that Jack liked her – and Tom never finds out that Sally liked him. This doesn't just spare Jack and Sally the humiliation of being rejected. It also spares Sally and Tom the awkwardness of having to reject. Jack and Jane, in contrast, both get to enjoy each others' *wanted* attention.

So what's my keyhole solution for harassment? Firms should adopt the speed dating paradigm. Let everyone secretly record their feelings, if any, for their co-workers. If the feelings are unrequited, no one ever finds out. If the feelings are mutual, however, both parties receive official confirmation. And unless they edit their recorded preferences, they waive their right to complain about (or sue over) unwanted attention from whoever they explicitly approved.

How is this better than the status quo? Simple: It retains standard rules against unwanted attention, but gives people a safe way to take a chance on love. Indeed, my proposal even shields everyone from the knowledge that someone has unrequited feelings for them. Don't want to know how anyone feels about you? Then check zero boxes, and you're safe.

The most obvious objection is that people could change their minds. But I've already got that covered: If you decide you no longer welcome someone's attention, you edit your preferences – and they get a polite email informing them of your wishes. Worried that they won't listen? Then don't check them in the first place.

Couldn't an aggressive harasser pressure someone to consent? Of course. But that's also true in the current system. The key difference: Under my proposal, pressuring someone to consent would be *unambiguous* evidence of unwanted attention. The status quo, in contrast, affords everyone some plausible deniability.

The strongest objection, in my view, is that this keyhole solution for harassment would make adultery highly convenient. The simplest remedy is to rewrite the program so married employers *can't* check boxes. If that seems overly restrictive to my polyamorous friends, this rule could be overridden with spousal consent.

OK, so why should profit-seeking employers adopt my keyhole solution? Legally, it provides both clarity and protection. It draws a bright line between wanted and unwanted

attention – and shields them from legal liability for the former. Practically, my proposal helps recruitment and retention by raising worker satisfaction. My proposal gives employees the best of both worlds: protection from unwanted attention combined with opportunities for wanted attention.

Do I seriously expect my proposal to catch on? Sadly, no. Most people are too emotional about harassment to even acknowledge the main trade-offs. No successful politician would currently be foolish enough to advocate even slight liberalization of existing laws. But I'd still like to hear your views on how well my idea would work if implemented. Why not?