

May 29, 2019

ARTICLES

Book Review: The Shield of Silence: How Power Perpetuates a Culture of Harassment and Bullying in the Workplace

Any person who is in a position of authority would benefit from a deep read of this valuable book.

By Kathleen Balthrop Havener

Share this:



[*The Shield of Silence: How Power Perpetuates a Culture of Harassment and Bullying in the Workplace*](#)

By Lauren Stiller Rikleen

American Bar Association (2019)

Where should we lay the blame for the toxic culture of abuse that pervades our workplaces? The problematic environment stretches far. It includes our schools and colleges, our social-media platforms, even our public institutions. Anyone whose eyes are open knows the problem is real. Less obvious is why toxicity began, what it feeds on, why we tolerate it, and whether we will ever do anything about it. In her new book, Lauren Stiller Rikleen harnesses evidence-based research, countless interviews, and the power of her own intelligence and experience. She identifies not only some of the most pernicious root causes of harassment, but also ventures into ideas for how we might overcome its destructive presence.

My scribbled notes adorn nearly every page of my copy of this fascinating exploration into a shockingly pervasive phenomenon. Even a quick glance through my scratched notes reveals the two dominant factors that Rikleen argues perpetuate a culture of abuse: fear and secrecy.



GE APPLIANCES STORE

MEMORIAL DAY

★ ★ ★ MEGA SALE ★ ★ ★

15% OFF + FREE DELIVERY

ORDERS OVER \$999 ORDERS OVER \$399

Whether or not you've experienced workplace harassment, you will nonetheless recognize both factors in an instant because you've likely witnessed them. While a victim may ultimately settle on outrage, anger, frustration—any number of emotions—the first one that everyone experiences who has been targeted by a harasser is fear. It comes most noticeably in cases of physical violence or coercion. Mostly, it triggers a basic fear for one's safety and bodily integrity. Yet it arises in other forms, just as debilitating. For instance, even a misplaced suggestive or risqué comment engenders fear in the target. "Will I lose my job? Will he come after me? Will anyone listen? Will anyone believe me? Even if they do, will they care? He's an important person in this organization and I'm just a [fill-in-the-blank]." Paying attention, understanding that your actions may trigger fear in others unfairly, teaches us that the harasser's real intent is power, not sexual gratification.

As Rikleen articulates, the second factor—and perhaps the more destructive—is secrecy. Quoting from a *Bloomberg Businessweek* article about a class-action lawsuit against Goldman Sachs, Rikleen highlights "a culture that fetishizes secrecy and loyalty" that discourages victims from reporting their mistreatment. Indeed, what Rikleen identifies is that the problem is not just discouragement; the problem is, too, punishment for speaking up. The result of that is a code of silence. And, with silence, the problem persists in all its forms. My initial response to this toxic dynamic was, "Loyalty to whom?" Of course, the answer to that question often results in actions by those with power that express "Not to the victims."

When I began practicing law, there was an inordinate emphasis put on loyalty of newer associates to large firms. What we didn't realize, of course, was that the loyalty our firms paid lip service to wasn't mutual. And if a junior lawyer dared to report an incident of

toxic unfairness or harassment, that lawyer often simply disappeared—with a hefty severance perhaps but bound by a nondisclosure agreement (NDA) and leaving no forwarding address.

Nondisclosure agreements contribute to what Rikleen calls “the nullification of the victim.” They keep the public, or even the individuals’ coworkers, in the dark about predatory behavior, and protect the perpetrators even from facing shame about their misconduct. NDAs help to explain why so many harassers are serial offenders who harm a veritable parade of victims.

For decades, lawyers have wrung our hands and lamented the departure of so many women from careers in the law after too few years in the profession. Scholars, researchers, and legal commentators have posited many potential causes. Few have been so bold as to insist that at least one of the culprits is sexual harassment or bullying in our workplaces. It is surely one thing that “changes . . . how [we] are treated or how [we] perceive [our]selves or [our] opportunities for professional development.” As a senior lawyer looking back, I think, “Of course, that’s a huge reason why so many leave.”

While Rikleen’s book is validating for one who has endured episodes of mistreatment, harassment, and unchecked bullying, it offers so much more. Critically, it sets forth a blueprint for how organizations can go about changing their cultures, not just their policies or practices, but the essence of what has kept them (and us) from advancing toward a spirit of alliance and cooperation in eliminating one form of oppression in our workplaces.

I recommend *The Shield of Silence* to anyone who has suffered bullying at work. I recommend it more urgently to anyone who has perpetrated it or allowed it to continue after learning about it. I recommend it most enthusiastically to persons who are in a position of authority in any organization that hasn’t thoroughly eliminated bias from his or her workplace.

Finally, this book is an invitation to consciousness. Bullies sometimes may not even know they are bullying, because their way of functioning is all they know. Their lack of awareness is not a justification and should never be one. Nonetheless, this book can help invite awareness. And that is where we can begin. In short, any person who is in a position of authority would benefit from a deep read of this valuable book, and, too, victims of harassment or bullying behavior will find comfort and potential solutions.

Kathleen Balthrop Havener is an attorney at *The Cullen Law Firm, PLLC* in Washington, D.C.

Copyright © 2019, American Bar Association. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association. The views expressed in this article are those of the author(s) and do not necessarily reflect the positions or policies of the American Bar Association, the Section of Litigation, this committee, or the employer(s) of the author(s).