Sticks and Stones: Some Thoughts on Verbal Harassment

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During the past year, there has been an intensive debate over the University of Michigan's "Policy on Discrimination and Discriminatory Harassment." A similar policy adopted by the University of Wisconsin has been cited much less frequently, perhaps because it has not been challenged in the courts. Both policies prohibit behavior, including speech, which seeks to demean or stigmatize or harass another person because of his/her racial, religious, or ethnic group membership, gender, sexual orientation, or physical disability. The policies also reflect the belief that equal access to campus educational opportunities is impeded, if not rendered unachievable, in an environment in which racist and discriminatory conduct is tolerated, and they assume that an institution of higher learning has a duty to provide an environment conducive to learning—not just for majority students, but for all students.

Such policies encounter little opposition when they prohibit physical assault or intimidation of individuals. But any attempt to prohibit racist or discriminatory statements raises concern for free speech. Opponents argue that restrictions on speech, no matter how noble the cause, are without legal precedent and are potentially injurious to a political system based on freedom of expression. Yet, the policies limit the speech they seek to prohibit to "racial ethnocentric or sexual invectives, epithets, slurs, or utterances directly to attack or injure another individual rather than express or discuss an idea, ideology, or philosophy." The U.S. Supreme Court has already denied protection to a variety of speech, including that which poses a clear and present danger of serious harm, obscenity, libel, and child pornography. The Court recognizes as "fighting words" speech intended to

insult an individual rather than to foster the free exchange of ideas and has refused to overturn an Illinois law prohibiting group libel. More recently, it has upheld sexual harassment laws, which define certain kinds of speech as harassing and which impose on employers an obligation to provide a nonhostile workplace.

Whether or not these are compelling examples, they do establish some arguable basis in law for policies restricting verbal harassment. It is important to keep that in mind in the debate about such policies. But it is even more essential to realize that the arguments *for* restriction are not trivial and may, indeed be as important as unrestricted speech.

Critics of policies prohibiting verbal harassment often express their opposition in terms that trivialize the need for such policies. These critics say: "I don't see how we can establish a policy that abridges First Amendment rights just to keep people from being uncomfortable because someone says something." Yet, expressions of racism, sexism, homophobia, and religious and ethnic prejudice have an impact which cannot be described merely in terms of discomfort. Students who differ from the majority are subjected to a barrage of intended and unintended insults from faculty and other students. Articles in campus media suggest that black students' presence is due to lowering admissions standards for affirmative action and that blacks are incapable of doing the work. Students of color feel constantly on display and are denied the anonymity—the ability to forge one's own identity without being saddled with ready made stereotypes about one's group—most majority students take for granted.

There are few role models and often no compensating contacts with a compatible community off campus. As one black student said, "When friends asked how I would feel going to a predominately white college, I said, 'No problem, I've been around whites all my life . . . but I forgot I wouldn't be able to go home every night.'"

The impact of harassment must be judged within this context. Students may be called names as they sit on the porch of their residence hall, find homophobic slurs painted on the walls outside their rooms, have their message boards vandalized, be subjected to anonymous phone calls that denigrate their race or sexual orientation, or be faced with graffiti in bathrooms. These are not everyday occurrences, but they are frequent enough so that students must steel themselves every day against the pain of their happening. To reduce or eliminate these occurrences is to relieve not discomfort but real suffering that is visible to administrators, particularly those in student affairs, who witness it daily. Thus, it is important that institutions dealing with the issue of offensive speech recognize that they are facing a difficult and even painful choice. Advocates of limiting

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verbal harassment must be aware of the potential risks of such policies and exercise care in framing them; but those who insist on unrestricted speech must also be aware of the cost to individuals—and to the institution in which they work or study—if nonmajority students are deprived of their right to study in a harassment-free environment.

Implementing policies against discriminatory speech may not be the best solution, and it is certainly not sufficient. Other approaches to the problem of prejudice are also needed to ensure that all those offered equal access to our educational institutions are, in fact, offered equal membership.

Colleges have, over the years, developed a number of educational responses, including publishing statements about the value of diversity, initiating orientation and residence hall programs aimed at diminishing prejudice, and supporting curricular changes that reflect more accurately our history and culture. On the whole, these responses have made less headway in changing attitudes than might have been hoped.

Fundamental changes in individual attitudes are sometimes excruciatingly painful to achieve. Schools have increasingly turned to professionals to educate their members for life in a multicultural community. There are many ways to go about creating change, but each carries a price. It is essential to recognize and give proper value to the costs involved in order to provide sufficient rewards for attempting change. Each technique used to transform people's attitudes toward other groups exacts some sacrifice from the participants.

Some methods are very confrontational, with an emphasis on the ventilation of anger by the oppressed group and acknowledgement of guilt by the oppressor group. If you are white, or male, or heterosexual, or middle-class, you might be considered an "oppressor." Your response to that designation demonstrates the importance of choosing vocabulary carefully. One of the reasons this technique is so satisfying to oppressed groups is that, when you feel powerless to change your situation, your only comfort is in knowing that right is on your side. The daily insults—intended and unintended—exclusion, and rejections, are bearable because your oppression makes you righteous. There are few satisfactions comparable to having one of the oppressor group admit guilt and acknowledge privilege, thereby diminishing the value of his accomplishments by the extent to which they are undeserved, stolen from others less powerful.

Relatively few people wish to submit to lessons taught in this fashion. Most become defensive when accused, resentful when guilty, frightened when insecure, and dangerous when threatened; and they avoid the confrontational workshops on prejudice if they have a choice, or submit with sullen and hostile resistance when avoidance is impossible.

Change in the attitude of dominant groups is more likely to occur using

techniques that do not seek to induce guilt but instead try to affirm the identity of both dominant and subdominant group members and to acknowledge the oppression that is common to all. It may not derive from a common source or for similar reasons or in equal amounts nor have an equal impact on lives. Such techniques try to lower the barriers between the two groups by revealing the vulnerability and powerlessness at the core of each, which have been exposed and exploited by some oppressor in at least one painful and memorable moment in life. The shared revelations of hurt and pain diminish distance between the groups, decrease fear and distrust, and provide a powerful catalyst for change.

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But this technique also comes with a price—this time to the subdominant group. Members of this group must relinquish their small claim to invulnerability—their righteousness—in hopes that the dominant group will be won over by their suffering. I must submit, yet again, says a black, or a woman or a disabled person, to the risk that you will see the daily infliction of suffering on those of my group as no more significant than those random, human misfortunes that may happen to anyone, including me, without the weight of a hostile culture to impose them—that my systematic degradation will be equated with being made fun of because I am left-handed or wear glasses.

Moreover, I must share some past humiliation with you, not merely from the safe perspective of the past, creating distance between my adult and defended self and my younger and defenseless self. I must reach back into that time to recapture the feeling—the fear, humiliation, suffering, the shame, not only to re-experience it, but to show it to you, to let you know how much I have been hurt in the past and how I could be hurt again.

It is a high price to pay—for possible change, given the history of undelivered merchandise, but—just possibly—worth it.