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Is Bullying a Junior Hate Crime?

Implications for Interventions

Elizabeth Englander
Bridgewater State College, Bridgewater, Massachusetts

Hate crimes and bullying behaviors among children have similarities. Both often focus on "different" individuals as preferred targets, such as those from controversial groups (e.g., homosexuals). Thus, unequal power exists between a bully and his or her victim, and this dynamic precludes the use of equal-power interventions such as mediation. A second similarity is a lack of basic respect for all persons and the subsequent justification of violence against a particular person or group. A third similarity is the predominance of these behaviors among young (juvenile) offenders. These similarities between hate crimes and bullying in children may inform bullying-prevention efforts. Programs need to reduce bullying behaviors by focusing on tolerance of differences, the promotion of positive attitudes toward diversity, and negative attitudes toward hate-based victimization of people who may be different from the mainstream. The Massachusetts Aggression Reduction Center's Anti-Bullying Program provides a model for this approach.

Keywords: *bullying; hate; prejudice; bias; violence; aggression; abuse*

Under Massachusetts law, hate crimes are those crimes motivated by hatred against a person or group on the basis of race, religion, disability, color, ethnic/national origin or sexual orientation. Hate crimes can occur by a physical attack, intimidating or threatening behavior that puts a person in fear of immediate physical harm or damage to property, such as vandalism.

—Office of Norfolk County District Attorney William Keating (n.d.)

Is Bullying a Hate Crime?

Targets of hate crimes are chosen specifically for harassment and violence because of their membership in a given group (such as an ethnicity or religion). The prejudice that characterizes hate crime offenders appears to focus on those who are "different" (American Psychological Association, 1998). In contrast, there are times when bullying is leveled against children without regard to their group status—a bully may choose a victim simply because he or she is available or momentarily vulnerable (Naumann, 2001). In those cases, bullying does not appear to fit under the rubric of "hate crimes."

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But it is noteworthy that the majority of the time, bullying appears to be a "junior" or "apprentice" version of adult hate crimes. Both bullying behaviors and hate crimes are predominantly committed by young individuals (Strom, 2001). A broad research literature confirms that most bullying behaviors by children focus primarily, if not exclusively, on children who have perceived differences (Naumann, 2001). One area of confusion may be the definition of the word *differences*, which is, after all, a relative term. What makes a particular child different, and from whom are they different? Do children target those who are different only from themselves? Is the "norm" against which children are compared schoolwide or society-wide? Do bullies target those who are different from a mainstream, media-fed conception of what and how people "ought" to be? Are all differences targeted equally, or do some place children at particularly high risk of being targeted by a bully?

The strongest differences perceived by children may be differences from their immediate mainstream—that is, bullies may choose as preferred targets those children who are clearly different from the mainstream group of children in their school and who are identified with a socially controversial group (such as students who are self-identified as gay or lesbian). This characteristic clearly parallels juvenile hate crimes, which also focus on those who are "different" and "unwelcome" (McDevitt, 1998, as cited in Mjoseth, 1998). Other targets for bullying may be children who are vulnerable or less able to defend themselves; certainly many researchers and authors have noted that children with special needs can be a strong focus group (Connors & Stalker, 2002). Generally speaking, any obvious differences seem to make children preferred targets, such as children of color in predominately White schools or children who wear very different clothing (such as religious garb) or who are from cultures other than mainstream middle-class America (Buchanan & Winzer, 2001).

The selection of "obvious" targets mirrors hate crimes in that schoolyard bullies often victimize children with differences that society has already identified as controversial or even pejorative (e.g., Muslims or Jews, homosexuals, ethnic minority groups). Jack McDevitt has characterized hate crimes as "message crimes" (McDevitt, 1998), and like bullying, they are the polar opposite of welcoming messages. But although the majority of hate crimes focus on individuals from particular racial groups (American Psychological Association, 1998), bullying may paint with a broader brush. When it comes to bullying, less obviously different children may be targeted as well. For example, children who excel academically are targeted but at apparently lower rates, perhaps because their academic or ability differences are not always immediately apparent or salient (Schuler, 2002). Similarly, I would place children in different social circumstances in this latter group, such as children of divorced parents, children of socially deviant parents, and so on.

Miami University's (2001) policy states that "many individuals become targets of hateful acts because others are unable to accept differences based on race, gender, sexual orientation, religion, age, ethnicity or disability." The bully, like the perpetrator

of a hate crime, is focusing on this "different" victim for a variety of reasons. First, bullies are less likely to encounter social disapproval or stigma if they focus their activities on a socially nonconforming individual. Second, their aim is to remind that individual of his or her differences and thus to reinforce their own, conforming their sense of belonging to the mainstream group. By reinforcing their own conformity and thus their own superiority by conforming, they reinforce a superior status to all conforming bystanders and help secure their noninterference, if not their active support, of the bullying activities. That they terrorize or humiliate or degrade the victim may be secondary to their own desires to secure and upgrade their own social positions. Or they may be psychologically troubled enough to enjoy the social humiliation of others (Englander, 2005a).

A second characteristic that is consistent between bullying and hate crimes is the casual acceptance of language that would be offensive, and possibly prohibited, in most workplaces today. Among American middle-class adults in the 21st century, social mores have evolved sufficiently to make many uncomfortable with the verbal abuse of those who do not conform, provided that nonconformity takes certain acceptable forms (such as ethnicity, religion, and some social groups). Other types of nonconformity among Americans are still not tolerated because, for example, they may represent illegal or morally noxious behaviors (such as groups who support sexual activity between adults and children). Still, the correct response even to extremely deviant groups is generally perceived to be public debate or, in the case of illegal behaviors, judicial prosecution. Simply berating, humiliating, harassing, or abusing individuals is frowned on. These evolving social mores have resulted in socially unprecedented legislation in the United States; these new laws criminalize hate crimes, including some types of offensive speech (e.g., see the Massachusetts Civil Rights Act).

Among children in the United States, however (and in western Europe, for that matter), these social mores have either changed, have never developed, or are not routinely applied to social behavior. Children growing up in 2005, half a century after the birth of the civil rights movement in the United States, typically view verbally berating or humiliating nonconforming peers as a "fact of life," and parents likewise see their children's use of offensive slurs as normative (National Education Association, 2003). A survey of teachers in 2004 found that offensive and insulting language is a daily, if not hourly, occurrence at many middle and high schools (Englander, 2005a). Many educators working in schools today who were reared on the appropriateness of social tolerance and diversity are appalled by their perception of rampant use of slurs and offensive language in teenage children (Englander, 2005a).

A third critical characteristic of both bullying and hate crimes is a complete rejection of the concept that broad civility and tolerance have positive social value. Far from modeling respectful and civil behaviors to all, children who bully seem to regard some children as legitimate targets. An interesting line of research suggests that chronically aggressive children may in fact be misinterpreting ambiguous social

cues as hostile attacks and thus may see their own bullying behaviors toward certain children as justifiable responses (and thus not as offensive; Dodge et al., 2003). Seen in this context, bullies might regard their bullying behaviors as self-defense rather than as uncivil or unjustified abuse of others (Englander, 2003).

It may also be the case that the nationwide emphases on other issues have diluted public attention to this one, and we are seeing the results of such socialization neglect. In schools, certainly, recent years have seen a dramatically increased focus on academics and standardized testing—and with a limited number of hours and limited resources, it is only natural that some other lessons have had to go unlearned. Parents, too, who have grown up assuming that all individuals are more tolerant than in past generations, may have found tolerance to be so obvious as to not necessitate deliberate teaching on this issue. The question is whether human beings have a marked tendency toward intolerance in the absence of deliberate teaching to the contrary. Perhaps children are more inclined to develop such intolerance unless parents and schools make a concerted effort to ensure that they are taught otherwise.

Clearly there are parallels between hate crimes and childhood bullying. What can these similarities tell us about effective approaches to reducing bullying behaviors between children?

First, the issue of tolerance and respect needs to be an important part of any antibullying effort. Young children represent an opportunity. Education and awareness efforts can readily work positive effects on their behavior (as has happened with previous social campaigns, such as antismoking efforts). Along this vein, many bullying-prevention programs do include tolerance and respect among the curriculum goals covered. As an example, the No Bullying Program (Title & Leonard, n.d.) has as one of its major goals "Civility Rules." Many other antibullying programs similarly include respect and tolerance as central themes (Naumann, 2001).

A second lesson in bullying prevention that can be gleaned from society's approach to hate crimes is the potential use of mediation, even peer mediation (in which mediators are other children), in attempting to resolve bullying episodes. Although the use of mediation within the criminal justice system has steadily gained in popularity, hate crimes have typically not been perceived as crimes well suited to mediation. Although bullying between children is rarely as violent as, say, the 1995 bombing of the Murrah Federal Building in Oklahoma City (an action that resulted in no fewer than 168 innocent dead), bullying between children bears enough of the hallmarks of hate crimes to render mediation a controversial technique (at best).

One reason that bullying is often regarded (like hate crimes) as unsuitable for mediation is the power differential that exists between bully and victim. This power differential is not always obvious or appreciated by adults, who may confuse bullying with conflict. Most bullying prevention programs in use today in schools in the United States are based on the principals originally authored by Daniel Olweus (1991, 1993). Out of Olweus's basic research in Norway and the United States has emerged a plethora of programs, focusing on conflict resolution, bullying prevention, or both.

One unfortunate side effect of this large and relatively new applied literature is a tendency to assume that bullying prevention and conflict resolution are in fact identical goals. Research suggests otherwise (Tutty et al., 2002). Although one might include bullying incidents under the rubric "conflict," it remains very important to appreciate the distinction and psychological differences between relatively equal-power conflicts between children and bullying behaviors, which are categorized by an unequal power structure and are therefore more abusive and victimizing in their nature.

Educators in the United States today are encouraged to use mediation techniques in addressing student conflicts, particularly at the high school and middle school levels. Some teachers are incorporating conflict resolution and mediation and negotiation techniques into standard curriculum (Stevahn, 2004). Research has generally found a high level of satisfaction with peer mediation programs in school-based settings (Burrell, Zirbel, & Allen, 2003). Programs that include teacher training have often emphasized the role that teachers can take in using mediation and negotiation between children who are in conflict (Rubin, 2004). There has been a definitive trend toward training students and teachers to use mediation as the best method to resolve conflict in schools (Casella, 2000).

The very real success of this trend, in general, discourages critical evaluation of the effectiveness of mediation and negotiation in different types of conflicts between students. However, researchers have discovered that several factors significantly inhibit the use of mediation in schools (Theberge & Karan, 2004). One such factor appears to be conflicts that involve bullying (Englander, 2005b; Theberge & Karan, 2004).

Mediation and negotiation generally assume that two children in conflict possess relatively equal power, but bullying episodes are defined by their imbalance of power (Olweus, 1991). Theberge and Karan (2004) note that "power imbalances inhibit the use of mediation" (p. 287). This power imbalance renders mediation and negotiation often inappropriate for both the bully and the target. Although many educators have long approached conflict in children through the use of mediation and negotiation, discipline through limit setting may be the only effective means of encouraging children to cease bullying others. Although aggressive children may (in part) behave that way because of past exposure to inconsistent discipline, research suggests that firm limit setting is the primary means of changing aggressive behavior toward peers. Because of this, it is critical for educators to appreciate the distinctions between bullying and conflict and the appropriate programs to address each type of aggressive behavior.

Summary and Conclusion

Bullying prevention can learn from its association with hate crimes. In addition to antibullying education and techniques, preventative programs both need to teach

an appreciation and understanding of the unsuitability of unequal-power conflicts for mediation and should include a focus on tolerance and diversity. Such factors may be more important than equal-power conflict resolution skills, if the aim is to reduce bullying and abusive behaviors. Conflict resolution skills remain critical for coping with equal-power conflicts.

At the Massachusetts Aggression Reduction Center (MARC) at Bridgewater State College, we have found that faculty, staff, administration, and parents are highly receptive to understanding the power inequalities inherent in bullying and how these inequalities must guide adult responses to bullying (http://www.bridgew.edu/marc). For example, in training teachers and administrators, we emphasize that adults should not expect victims to readily report on bullying, especially in the presence of a bully, because of their fear of retribution. We also teach adults to involve victims in discipline as little as possible, because such involvement is often highly intimidating for children and can be an actual deterrent to further reporting. As an example, bullies should not be asked to apologize to their victims; although such apologies may appear appropriate, they can serve as actual or perceived threats and may reinforce, for victims, the idea that telling adults "only makes it worse."

Young children are also highly receptive to messages about tolerance and respect, and our most interesting observation during the 1st year of the MARC program was the intense interest adolescents displayed regarding issues of respect and diversity. As part of our program in middle and high schools, we send trained college students to facilitate conversations about bullying behaviors teens are seeing in their own social groups. The college student–facilitators are a critical factor in this program, because teens typically have great respect and admiration for them, see them as high-status peers, and thus readily discuss with them the bullying they see in their own schools and among their own friends. We usually begin the conversation by asking students to describe the problems they are seeing in their own schools. Although we ask the students for their perceptions, in fact, our experiences have made us very aware of what the students are likely to report. Notably, in almost every school, teenagers begin by describing failures to tolerate and respect differences. They usually do not use the terms *hate crime* or *diversity*, but this is in fact what they describe. The groups who are not tolerated vary somewhat from community to community, but they frequently involve students of other races, students who self-identify as gay or lesbian, students who are from lower social classes, and students who excel academically or belong to "unpopular" groups or clubs at school.

Perhaps bullying has flourished among children because of a lack of emphasis about the importance of tolerance and respect for diversity among adults, the inappropriate use of mediation in bullying episodes, and/or a lack of understanding regarding the distinction between equal-power and unequal-power conflicts. If so, addressing such issues with adults and children can begin to dismantle the "apprenticeship" of hate crimes.

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Elizabeth Englander is a professor of psychology and the founder and director of the Massachusetts Aggression Reduction Center at Bridgewater State College, a center that delivers antiviolence and antibullying programs for the state of Massachusetts. She is a nationally recognized expert in the area of bullying, childhood causes of violence and aggression, child development, and characteristics of juvenile and adult violent offenders. She is the author of more than two dozen articles in journals and books and the author of *Understanding Violence*, a text in the field of child development, biological psychology, and violent criminal behavior, which was recently released in its third edition.