Harsher Punishments for Cyberbullying

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Megan Meier was only thirteen when she committed suicide. A boy supposedly named Josh contacted her through MySpace and talked for weeks through the site until October 15, 2006, when he started to insult her harshly. Then, he ended their final conversation with, “‘The world would be a better place without you.’ Sobbing, Megan ran into her bedroom closet. Her mother found her there, hanging from a belt” [1].

Phoebe Prince was a new student at South Hadley High School in Massachusetts when she committed suicide by hanging herself after relentless bullying, both in person and on Facebook. She was bullied for dating people who were supposedly “off limits to her” and was called “‘bitch’” and “‘whore,’” among other slurs. After her death, “[at] least one student gloated [...], ‘I don't care that she's dead’” [2].

The cases of Megan Meier and Phoebe Prince are by no means isolated occurrences. According to the article, “Cyberbullying” in *Education Digest, “*anywhere from one-third to one-half of youths have been targeted by cyberbullying” [2]. A study produced by Sameer Hinduja, the founder of the Cyberbullying Research Center, found “cyberbullying victims were nearly twice as likely to attempt suicide compared with students not targeted with online abuse” [2]. No child should feel the need to commit suicide to escape cyberbullying. Stronger, more consistent laws need to be implemented nationwide to help prevent children from taking their own lives due to relentless bullying.

Cyberbullying is a modern issue. With the expansion of the Internet and social media, it has become even more prevalent. Jennifer Holladay summarizes the newness of the issue well in “Cyberbullying,” “The word cyberbullying didn’t even exist a decade ago, yet the problem is pervasive today” [1]. As more people become connected to the internet and the internet becomes more of a requirement to be a productive member of society, cyberbullying will become more of an issue unless action is taken to prevent it.

Since, “currently, there is no federal statute that explicitly prohibits student bullying or cyber-bullying,” [3] the decision of to how cyberbullying should be enforced falls to the state. As a result, the laws and definitions of cyberbullying vary from state to state. The Code of Virginia defines cyberbullying as a subset of bullying, specifically as,

“Bullying” means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. “Bullying” includes cyber bullying. “Bullying” does not include ordinary teasing, horseplay, argument, or peer conflict. [4]

Florida Statutes defines cyberbullying, in part, as

“Cyberbullying” means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying. [5]

Comparing Virginia’s Code and Florida’s Statutes shows that Florida’s is more extensive and defines the ways cyberbullying can be communicated. In total, “49 states have passed anti-bullying legislation” with the majority relating to requiring “schools districts to adopt anti-bullying policies.” [3] Though forty-nine states have these laws, the laws vary widely between states and do not all “contain all the key components of anti-bullying legislation” as identified by the U.S. Department of Education (USDoE). [3]. *Student Bullying: Federal Perspectives and Reference Materials* states, “According to CDC health scientist Alana Vivolo-Kantor: ‘The lack of a uniform definition hinders our ability to understand the true magnitude, scope, and impact of bullying and track trends over time. Consistent terminology with standardized definitions is necessary to improve public health surveillance of bullying and inform efforts to address bullying.’” [3] Without clearer definitions of what constitutes bullying, it is impossible to even study this issue accurately. A key component of studies is to compare the results with similar studies to verify the accuracy of the data, but “most studies on the prevalence and/or impact of bullying are not directly comparable” because “the definition of bullying is not consistent across studies; the age range of surveyed students varies; the time period for the analysis varies[...]; the survey methodology varies; and some studies provide an overall prevalence rate for bullying, while other studies separate bullying by type.” [3]

One of the important facets of cyberbullying is, “unlike traditional bullying, it comes with a wide audience.” [2] Depending on the electronic medium used (e.g. email, Facebook, Twitter), anyone can see cyberbullying or just the person being bullied. When something is posted online, there is no way to completely remove it from the internet. When bullying occurs in person, the only firsthand witnesses are the people in the area. If a student was bullied in a school in a county in Virginia, students in the next closest school probably did not know it occurred. However, if the same student was being cyberbullied, it is possible people in a completely different state or country saw and potentially joined in the bullying. The level of anonymity is also different between in-person bullying and cyberbullying. For example, take the case of Megan Meier. She thought she was talking to a sixteen year old boy named Josh Evans when, in reality, it was Lori Drew, a forty-seven year old neighbor. When bullying occurs in person, the bully can be seen, and the victim knows exactly who the bully is, but when bullying occurs over the internet, it is much harder to verify the identity of the bully. This may cause more people to bully due to a perceived level of anonymity. In some cases, there are no lasting effects of cyberbullying, but in some cases, there can be “serious, long-lasting effects, ranging from acute emotional distress, academic problems and school absenteeism to violence, a desire for revenge and vulnerability to sexual predation.” [6]

In additionally, cyberbullying also violates moral principles. The Kantian perspective would preclude cyberbullying as it indirectly violates a perfect duty of the victim, specifically the right to live by pushing people to commit suicide. According to Kant, perfect duties are rights that should never be violated in anyway. By pushing people into hurting themselves or committing suicide, the bully is indirectly violating the victim’s perfect duty to life. Bullying also violates the Categorical Imperative. Using one of the two formulations of the Categorical Imperative, the bullies are using the victims as a way to feel more powerful or to gain control over others. This violates the Categorical Imperative as it uses the victims as means rather than an end. In addition to violating Kantianism, cyberbullying also violates utilitarianism. According to rule utilitarianism, the action is ethical when, if universally adopted, it “would result in the greatest increases happiness.” [7] While the bully may have a slight increase in happiness, the victim’s happiness is greatly decreased, typically to a magnitude much greater than that of the bully’s happiness. If everyone stops bullying, the net happiness would increase, meaning bullying, including cyberbullying, is unethical according to rule utilitarianism.

If a federal law does not, at the very least, define what constitutes bullying and cyberbullying, then there will be no way to solve this problem. If states do not add criminal penalties to, at the bare minimum, prosecute bullies whose victims take their own lives, then there will be no way to solve this problem. If states do not require the schools to educate its students on bullying, both cyberbullying and in-person bullying , then there will be no way to solve this problem. States and the federal government need to get involved to solve this problem. Help prevent the suicides of people being bullied on the internet by supporting stronger, clearer laws against cyberbullying.

End Notes

[1] Christopher Magg, “A Hoax Turned Fatal Draws Anger but No Charges”, The New York Times, Nov. 28, 2007, <http://www.nytimes.com/>

[2] Holladay, Jennifer. "CYBERBULLYING." *Education Digest* 76, no. 5 (January 2011): 4-9. *Education Research Complete*, EBSCO*host* (accessed February 9, 2017).

[3] Haynes, Benson. Student Bullying: Federal Perspectives And Reference Materials. New York: Nova Science Publishers, Inc, 2014. EBSCOhost. Web. 10 Feb. 2017.

[4] Code of Virginia. § 22.1-276.01. Definitions. March 20, 2013. <http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+CHAP0575>

[5] The 2016 Florida Statutes, Title XLVIII, Chapter 1006.147, Bullying and harassment prohibited. 2016. <http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1006/Sections/1006.147.html>

[6] Congressional Quarterly, inc. Childhood And Adolescence In Society : Selections From CQ Researcher. Thousand Oaks, Calif: SAGE Publications, Inc, 2012. EBSCOhost. Web.

[7] Quinn, Michael. Ethics for the Informational Age, Ed. 6 (Pearson, 2015).