Bullying and Cyberbullying:
History, Statistics, Law, Prevention and Analysis

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Abstract

Bullying has been engrained in American society since the country's founding. Bred from a capitalistic economy and competitive social hierarchy, bullying has remained a relevant issue through the years. Technological bullying, known today as cyberbullying, has allowed the problem to expand, become more elusive, and even harder to define. A thorough analysis of various case studies, statistical research, law cases, and news articles was conducted to understand the issue of cyberbullying and to find preventative measures that should be taken. This paper illuminates the background situation, current legal struggles, clinical implications, and potential preventative steps concerning bullying and cyberbullying alike.

I. Introduction

Each day school children learn valuable skills and lessons from their teachers as well as through interactions with their peers. Although school, undoubtedly, is beneficial to America's youth, there are some experiences, such as bullying, that may negatively affect and stick with these children for the rest of their lives.

Certain children find an outlet for their frustrations through bullying others. In the past, these actions could be better controlled because they were limited to face-to-face interactions. However, in recent years, this age-old conflict has matched the pace of technological evolutions, making it more dangerous and harder to contain. Cell phones, social media sites, chat rooms, and other forms of technology have allowed bullying to expand into cyberspace. This new form of abuse is known as cyberbullying.

The following research paper focuses on both traditional bullying and cyberbullying. The paper provides background information about bullying, defines the problem and where it is focused, looks at the clinical and legal issues that surround both forms of bullying, and discusses possible preventative programs.

II. History of Bullying

Bullying, a definition

The word "bully" can be traced back as far as the 1530s. (Harper, 2008). In its most basic sense bullying involves two people, a bully or intimidator and a victim. The bully abuses the victim through physical,

verbal, or other means in order to gain a sense of superiority and power. These actions may be direct (i.e. hitting, verbally assaulting face-to-face, etc.) or indirect (i.e. rumors, gossip, etc.).

Origins of bullying

The desire to survive is instinctual and common among all living things. Survival is associated directly with competition due to the multitude of species and limited natural resources on the planet. Since the beginning of time there has been a constant drive to out-perform others and overcome obstacles. This survival instinct, along with a competitive atmosphere, has remained the same as the human race has evolved. Both of these forces have flowed over into the educational, social, and economic realms. This competitive hierarchy, though prevalent in most societies, varies across cultures depending on their ethical systems, traditions, and the type of control exerted by the government. Unfortunately, the U.S. capitalistic society inadvertently pushes the belief that success and wealth go hand in hand. This ideology has shaped a nation where bullying is unintentionally instilled as a survival tactic from a very young age.

From the time an American child enters grade school, he or she is taught to be the best he or she can. This seemingly innocent lesson can morph as a child develops throughout his or her education. Students often learn corrupt ways to get ahead in the highly competitive educational and social environments that grade school presents. These bullying tactics may include pressuring others for answers on assignments to attain higher grades, which leads toward better college opportunities, or spreading social rumors about fellow students. These tactics are dangerous because once a student realizes their effectiveness, he or she may construct a life style from them. Developing a habitual use of bullying tactics can lead to negatively affecting a countless number of people as well as corruption in the workplace.

Traditional bullying vs. cyberbullying

Technology's progression is often equated with the advancement of human societies. Pivotal innovations, such as the Internet, have forever changed how people interact. Though these developments have allowed the human race to make great strides in many fields, they have also allowed forms of transgression to become more rampant and widespread. This is evident when considering how traditional bullying has evolved into an issue today known as cyberbullying. While bullying and cyberbullying are often similar in terms of form and technique they also have many differences. Unlike traditional bullying, cyberbullying allows the offender to mask his or her identity behind a computer. This anonymity makes it easier for the offender to strike blows against a victim without having to see the victim's physical response. The distancing effect that technological devices have on today's youth often leads them to say and do crueler things compared to what is typical in a traditional face-to-face bullying situation.

A technological evolution

As technology has evolved, bullying has proliferated. With the advent of the Internet, chat rooms soon followed. Online forums provided a communal breeding ground for youth to assault one another (Subrahmanyam & Greenfield, 2008). Chat rooms were supplemented by AOL Instant Messenger (AIM), an online communication program that allowed teens to spend hours talking to one another in private, one-on-one conversations or in public chat rooms. The program further allowed youth to create group-specific chat rooms. This exclusive forum allowed for youth to get together with select groups of friends and talk about the latest gossip.

Online innovations have continued due to telecommunication advances. The advent of cell phones in the late 1960s and early 1970s changed the way people communicated (Shiels, 2003). However, these portable communication devices did not become widespread, or make it into a majority of youth's hands, until the appearance of the second generation of digital network phones in the 1990s. After that, they spread like wildfire. According to a study conducted by the Pew Research Center, 75% of 12-17 year-olds own cell phones, which increased from 45% in 2004 and one-in-three teens sends 3,000 text messages per month (Lenhart, 2010). Though many parents believe that they are purchasing a cell phone for their child for protective reasons, the opposite may be true as many youths admit to utilizing their phones as an instrument for cyberbullying.

Further progress on the Internet brought about more and more websites and with this came the advent of social media. The site MySpace is often considered the pioneer of social media. MySpace allows individual users to create their own unique profiles and interact in cyberspace with friends and foes alike.

Online publication of personal information is dangerous because it allows many people to see a side of a person more often kept private in a face-to-face interaction. This vulnerability puts many teens in a position as either the victim or active offender partaking in cyberbullying actions. Another aspect of social media that can be misleading and hazardous is the ability to create alias profiles. The ability for teens to mask their identities provides them with an opportunity to say anything to another individual without the worry of any repercussions. Social media sites, such as Facebook and Google+, are prone to abuses like cyberbullying.

Anonymous blogging is another technological advancement that has fostered cyberbullying activity and fueled ethical debate. On sites, such as College ACB and Juicy Campus, which have both recently faced tightened regulations due to their verbally abusive nature, youth (typically of college age) were able to login and comment anonymously in an open forum. The forum included harsh topics ranging from "Most Attractive" to "Worst Hookup." The sites even included certain topic headings that were simply a person's name under which people could post insulting comments. These blogging sites are illustrative of the most dramatic forms of cyberbullying thus far.

III. Status of cyberbullying

Studies have indicated that the number of youth reporting cyberbullying instances varies greatly depending on the definition of the term and the age of those surveyed. In the following study, Sameer Hinduja and Justin W. Patchin, of the Cyberbullying Research Center, sampled 4,441 teens, ranging in age from 11 to 18, from a large school district in the southern U.S. In this study, the researchers defined cyberbullying as "when someone repeatedly makes fun of another person online or repeatedly picks on another person through email or text message or when someone posts something online about another person that they don't like" (Hinduja & Patchin, 2010c, p. 1).

Victimization

According to their results, cyberbullying victimization rates have varied in the past few years, ranging between 18.8 percent in May 2007 and 28.7 percent in Nov. 2009 with a mean of 27.32 percent based on 7 different studies from May 2007-Feb. 2010. Cyberbullying offending rates have varied in a broader spectrum than victimization rates, ranging between 20.1 percent in June 2004 and 11.5 percent in Nov. 2009 with a mean of 16.76 percent based on 7 different studies from June 2004 to February 2010 (Hinduja & Patchin, 2010g, p. 1).

Several specific types of victimization and cyberbullying were discovered through a survey taken in 2010. The survey discovered that the highest concentration of victimizations and cyberbullying offenses occurred in the following areas respectively: mean or hurtful comments posted online (14.3%, 8.8%), rumors online (13.3%, 6.8%), threats through a cell phone text message (8.4%, 5.4%) (Hinduja & Patchin, 2010e, p. 1).

Another important factor that Hinduja and Patchin brought to light was what type of technology a teen primarily uses. According to a 2010 study, which asked teens what role technology played in their daily lives, cell phones were used the most (83%), followed by the Internet for school work (50.8%), and then Facebook (50.1%) (Hinduja & Patchin, 2010h, p. 1). This points to cell phones and the Internet as the two primary mediums used for cyberbullying.

Cyberbullying proved to vary by gender as well. Based on a 2010 study involving a random sample of 2,212 teen males and 2,162 teen females, the male to female ratio varied the most in the following three areas: victimization within a person's lifetime (16.6% for males vs. 25.1% for females), admitted to a cyberbullying offense within a person's lifetime (17.5% for males vs. 21.3% for females), and had a hurtful comment posted about oneself online (10.5% for males vs. 18.2% for females) (Hinduja & Patchin, 2010b, p. 1). This information may be biased due to the reticence among males about admitting a past bullying experience. Nevertheless, it is interesting that females reported a higher percentage in all categories.

Bullying hierarchy

As with most competitive atmospheres, the social struggle among today's youth has an evident hierarchy. Bullying is a component of this hierarchy and has its own structure. According to Dr. Dan Olweus, there

are seven different levels within the bullying ladder: the students who want to bully and initiate the action, their followers or henchmen, supporters or passive bullies, passive supporters or possible bullies, disengaged onlookers, possible defenders, and defenders who dislike the action of bullying and help those that are victimized (Olweus, 2001). Dismantling the aggressive portion of this ladder and shifting students to a deterring mindset must be a fundamental part of any prevention program.

IV. Clinical Perspective/Repercussions

At first, one may believe that the effects of bullying is limited to initial responses that tend to fade within a few days or a week, at most. However, research indicates that the harm inflicted by bullying, whether physical or psychological, has many implications and can result in a snowball effect of lasting painful emotions and negative impacts.

Gender and bullying

Though many students tend to deny the emotional harm caused by bullying tactics such as name-calling, rumor spreading, and teasing, research suggests the opposite. In a study that utilized a sample of over 3,000 students, researchers found that "38 percent of bully victims felt vengeful, 37 percent were angry and 24 percent felt helpless." Furthermore, in a study conducted by the Cyberbullying Research Center involving a sample size of 468 students revealed that females are typically more emotionally affected by cyberbullying than males. The females in the study reported being frustrated (39.6%), angry (36%), and sad (25.2%) more often than males who reported lower percentages in each category (27.5%, 24.3%, 17.9% respectively). This is not surprising due to the fact, as mentioned earlier, that males have a reluctance to admit weaknesses especially from an emotional standpoint. In reality, one would expect males to be at least equal if not higher in emotional response concerning anger and frustration. (Hinduja & Patchin, 2009c, p.1).

Age and bullying

In another study conducted by the Cyberbullying Research Center, the emotional repercussions of cyberbullying across age groups were observed. The study discovered that anger and frustration remain the dominant responses among senior and junior high students, but students at the elementary level are more likely to feel sad as a result of being bullied (Hinduja & Patchin, 2009c, p.1). This is likely because at a younger age children are not battling with the same kind of competitive social hierarchy typically found within upper level schools. So, rather than feeling the need to prove themselves among their peers, students at the elementary level tend to well-up within the initial emotional responses to bullying. This points to the idea that younger children may keep their initial emotional responses to themselves rather than acting out. Unfortunately, regardless of the initial emotional reaction to bullying, these emotions have the ability to continue to develop, with serious clinical implications. A 2003 intensive survey study, which focused on the clinical effects of cyberbullying, reported an increase in emotional distress specifically related to cyberbullying. The study involving 512 professionals coming from psychology, psychiatry and social work backgrounds reported that for "one-third (34%) of these youth, the Internet problem played a primary role in the client's treatment" (Mitchell, Finelhot & Becker-Blease, 2007, p. 48). This evidence proves that cyberbullying is having noticeable clinical effects on today's youth.

In his "General Strain Theory," sociologist Robert Agnew hypothesized that the strain and stress exerted on an individual as a result of bullying "can manifest itself in problematic emotions that lead to deviant behavior," possibly leading to delinquency (Agnew, 2006, pp. 659-660). This theory stresses the vicious cycle that many teens may go through while being victimized. The cyclical repercussions of this process are particularly alarming if it leads a victim to antisocial behaviors when they try to find an outlet for their emotions.

In 2001, the Office of Juvenile Justice and Delinquency Prevention reported that "60 percent of males who were bullies in grades 6 through 9 were convicted of at least one crime as adults, compared with 23 percent who did not bully; 35 to 40 percent of these former bullies had three or more convictions by the age of 24, compared with 10 percent of those who did not bully" (Ericson, 2001). Offenders are likely to utilize bullying tactics as an outlet for other insecurities or problems in their lives. This utilization of bullying as a coping mechanism contributes to the cyclical nature that the process evidently has on victims and offenders

alike. Not only do these flawed coping mechanisms fail to resolve the emotional distress caused by bullying, they also expand the overall problem of deviant behavior. This inability for bullied victims and offenders to find adequate relief for emotional wounds, coupled with the fact that youth are unlikely to seek relief though a mentor, explains why some youth begin to feel helpless. Feeling lost in emotional distress with seemingly no way for relief allows suicidal or even thoughts of violent response to creep in to a youth's consciousness (Ericson, 2001).

So, what does this all mean? Research confirms that both bully victims as well as offenders are emotionally harmed by the act of cyberbullying. In a fact sheet produced by the Office of Juvenile Justice and Delinquency Prevention, loneliness, humiliation, and insecurity were each reported as further manifestations of the initial emotional responses to the bullying process. These feelings have the potential to cause students to fear going to school. This constant instability makes it difficult for bully victims to adjust socially and emotionally, focus on their studies, and develop in a healthy mental fashion. These responses can lead to more serious clinical implications, such as depression, which can continue to develop into even worse problems (Ericson, 2001, pp. 1-2).

The extreme consequences of bullying are suicidal thoughts or thoughts of violent revenge. According to a National Vital Statistics Report, suicide is the 3rd leading cause of death among youth ranging in age from 15 to 24 (Anderson & Smith, 2003). Furthermore, the U.S. Department of Health and Human Services reported "substantial increases in both homicide and suicide rates among males from 2000 to 2003" (Fraizer, 2005). This statistic becomes chillingly relevant as more information is uncovered concerning the link between cyberbullying and suicidal ideation or action. According to Rigby and Slee, "Youth who are bullied or who bully others, are at an elevated risk for suicidal thoughts, attempts, and completed suicides" (Rigby & Slee, 1999, p. 119). Statistically both victims of cyberbullying as well as offenders proved to be much more likely to have attempted "bullycide," the act of committing suicide due to the effects of bullying, than youth who had not been affected (High, 2007).

V. Case Law and Legislation

Although all of the evidence illustrates the effects of cyberbullying on today's youth, lawmakers at both the state and federal levels continue to wrestle with the issue. Unfortunately, it has taken a number of cases to force lawmakers to come to terms with the harsh reality of the situation and attempt to mold laws to deal with such issues. The infringement on student's 1st Amendment rights is what originally sparked heated controversies concerning schools limiting what students could do or say on or off school grounds. Throughout history, the United States has been shaped by the public's right to freely express their opinions. Inevitably, when a case arises attempting to limit these rights, the plaintiff's side is often hard to argue due to such a strong tradition. Without limiting constitutional rights, lawmakers must grapple with the difficult task of defining cyberbullying, as well as determining proper sanctions for committing the act. Because of this, many cases dealing with freedom of speech on and off school grounds have worked their way up to the United States Supreme Court in the past.

Federal law

One of the earliest cases that dealt with this issue on a public school campus was *Tinker vs. Des Moines* in 1969 (Tedford & Herbeck, 2009, pp. 1-4). In this case, three high school students arrived on campus wearing black armbands, symbolically protesting the Vietnam War. The school's administration told the students that they must remove the armbands, and if they refused to do so they would be suspended. The students refused and were sent home. They took the case to court, arguing that their 1st Amendment rights had been violated by the school. The case eventually made it to the United States Supreme Court. The court ruled that any school preventing the expression of opinion must prove that the prohibition was enforced "to avoid substantial interference with school discipline or the rights of others" (Hinduja & Patchin, 2011, p. 2). Because the school was unable to prove either of these factors, the suspensions were considered unconstitutional and the court ruled in favor of the students. This case set the first guidelines for what forms of expression public schools could and could not limit. As time has continued and technology has progressed, this issue has expanded to whether or not schools can interfere with student's actions off-campus.

J.S. v. Bethlehem Area School (2000) involved a student who was expelled from school for creating

a page on the Internet that included threatening and derogatory comments about members of the administration. The court ruled that the school was justified in taking action due to its ability to prove that the public information fostered an evident disruption of the school environment. In its closing statements, the U.S. Supreme Court stated the following: "Regrettably, in this day and age where school violence is becoming more commonplace, school officials are justified in taking very seriously threats against faculty and other students" (Herbeck, 2010). Such schoolyard violence had reached this level at Columbine High School in 1999.

Through this and more recent cases, the federal government has defined the requirements for off-campus behavior, such as cyberbullying, to be regulated by the school. For a school to take action, there must be a clear disruption to the educational process or a representation of true threat. To determine whether or not an expression is representative of a true threat, the court must determine "whether a reasonable person [in the speaker's position] would foresee that the statement would be interpreted by those to whom the maker communicates the statement as a serious expression of intent to harm or assault" (Herbeck, 2010). The idea of public schools limiting student's speech off campus is highly relevant as cyberbullying becomes a more recognized problem nationally. School administrations and communities must take past cases into account as well as current legal definitions of what constitutes a disruption of the educational process or a true threat when developing an effective preventative program.

State level

Similar to speech and harassment laws at the federal level, individual states continue to wrestle with defining the problem and what legal actions to take when a violation occurs. Unfortunately, it took a number of high-profile cases, and even some suicides, to bring the issue to the attention of many states' courts and legislatures. One such case revolved around an incident in Missouri during 2006. This case, formally known as *United States vs. Lori Drew*, involved Drew and her daughter creating a false MySpace account under the alias name "Josh." The defendants used the account to become friends with the victim, 13-year-old Megan Meier, whom Drew's daughter attended school with. After becoming friends with Meier, Drew and her daughter started sending hateful comments to her. Meier took these comments to heart and committed suicide.

The Missouri district court determined that they could not hold Drew directly accountable for the harassment leading to Meier's death due to extraneous circumstances and lack of legal encompassment. However, due to public outcry, federal prosecutors took charge by applying the Computer Fraud and Abuse act to the case. This act is typically used to prosecute electronic theft, but in this instance was used to apply the Myspace terms of service. The terms require users to abide by a host of regulations, which "required truthful and accurate registration, refraining from using information from MySpace to harass others [and] refraining from promoting false or misleading information" ("Unites states of America v. Lori Drew," 2009). Based on MySpace's terms of service, the jury found Drew guilty of one felony count for conspiracy and three misdemeanors counts for unauthorized computer use.

This case caused Missouri to modify its state harassment law to encompass acts of cyberbullying like the Lori Drew case. The law now prohibits any electronic communication that "'knowingly frightens, intimidates, or causes emotional distress" (Henderson, 2009).

VI. Prevention

As cyberbullying draws more attention, a universal definition has begun to take shape within the law. Though not acknowledged across all states, a common definition in congruence with a wider recognition of the problem makes addressing the elusive issue a bit easier. The problem is that technology will inevitably continue to advance. So, as technology progresses, local and national anti-bullying policies and laws must continue to evolve at a parallel rate. Many of the issues faced by federal and state governments concerning cyberbullying are avoidable for schools and communities at the local level through the implementation of procedures to limit the effects of cyberbullying.

Recognition of the problem

One of the most notable issues that need to be addressed is recognition of the problem itself. Many people, whether parents, teachers, or even law enforcement officers, do not know what their specific state

laws are in regards to cyberbullying. In a formal survey of approximately 1,000 officers, "over 85 percent . . . said that cyberbullying was a serious concern that warrants the response of law enforcement. 90 percent of the school's resource officers had dealt with a cyberbullying case 'sometimes' or 'often.'"

Despite this obvious concern, "25 percent of the school resource officers and over 40 percent of the traditional law enforcement officers did not know if their state had a law specific to cyberbullying" (Patchin, 2011). These statistics are alarming considering that the number of states without some kind of bullying or harassment specific law can be counted on one hand (HI,MI,MT,SD) and the number of states with cyberbullying specific laws are increasing. Every person that deals with children (i.e. education, parenting, law enforcement, etc.) should know the bullying or harassment law specific to his or her state, the physical and emotional signs of bullying, and his or her community or school prevention plan, including how to deal with and report a problem.

Along with recognizing the problem and being able to identify solutions, it is vital that cyberbullying be addressed in a consistent way. To effectively put a harness on the problem will require "a concerted and coordinated effort – a partnership if you will – among our families, schools, youth organizations, and communities" (Morino, 1997). If American communities and schools address the issue with a clear preventative program that keeps each level of prohibition on the same page, children will in turn receive a consistent message from a young age, which will presumably resonate effectively. This message should cause children to feel comfortable with confronting and reporting the problem by portraying any form of bullying as unacceptable. Furthermore, this consistency across a given program will change the overall environment rather than just focusing on individual cases. According to Dorothy Espelage and Susan Swearer's book *Bullying in American Schools, "*A comprehensive program . . . is generally more powerful in reducing bullying and increasing school safety than concentrating on individual students" (Espelage & Swearer, 2009).

Potential Solutions

Credited with initiating the first systematic bullying research in the early 1970s, Dr. Dan Olweus is primarily known for his bullying prevention programs. The *Olweus Bullying Prevention Program*, enacted by Norway's Ministry of Education, develops methods of dealing with bullying on a variety of levels including school-level components, individual-level components, classroom-level components, and community-level components. This all-encompassing structure creates a cohesive plan in which each level reinforces the next. Since its creation, the *Olweus Bullying Prevention Program* has been adopted in schools across the world. According to a series of evaluations involving 40,000 students from 42 schools over a two and a half year period, the program proved to be successful. The studies verified the program's success by reporting "reductions by 20 to 70 percent in student reports of being bullied and bullying others," "reductions in student reports of antisocial behavior, such as vandalism, fighting, theft, and truancy" and "clear improvements in the classroom social climate" (Olweus, 2005, pp. 389-402).

A mixed-methods research design carried out in Nevada, in which 118 middle school principals were surveyed about cyberbullying, identified components of a successful preventative program. Of those surveyed, 66 responded and 10 agreed to participate in a one-on-one interview. From these ten, three were selected and questioned intensively about cyberbullying and preventative strategies within their school as well as about their thoughts on the issue in general. Based on the interview results, the following six components were identified as essential elements to a preventative cyberbullying program: "the importance of a reporting procedure; curriculum integration; student-centered productions through mediums such as Broadcast Journalism; a focus on prevention rather than solely on punishment; the importance of punishment as a part of an effective policy; and keeping up with changes in technology" (Wiseman, 2011).

VII. Conclusion

Bullying is deeply engrained in American culture. Our society illustrates the pinnacle of capitalistic competition. This win-or-die-trying atmosphere, the competitive college acceptance process, and much of the corporate world, contribute to many of the bullying problems that we battle today. The issues of bullying and cyberbullying can only be contained in the short term and not eliminated completely due to how deep-seeded they have become in our competitive society.

The clinical repercussions that bullying and cyberbullying have on today's youth present the most

troubling issue at hand. The permanent mental effects are what both the law and prevention programs are striving to eliminate. The fact that these initial emotional responses to bullying in any form have been proven to escalate to the point of suicidal thoughts and violent response is the primary reason for why this issue has become a matter of pressing public concern. The thought of children getting so caught up in the psychological battery of bullying that they commit suicide is extremely troubling, an issue that must be dealt with. Though the legislative and judicial branches at both the state and federal levels are having a difficult time adapting laws to encompass cyberbullying as technology advances, there is assurance in the fact that the issue is a pressing concern. However, it is unsettling that it takes drastic cases such as United States vs. Lori Drew to bring about a direct change in law. Ideally, laws will develop in correspondence with technology to help define the problem itself and establish appropriate judicial repercussions.

As more is learned about the reasons behind bullying and the specific tactics utilized, prevention programs are becoming increasingly more effective. As discussed previously, a successful program needs to clearly identify the problem, establish recognition, and formulate consistent ways of dealing with the issue across all platforms. The biggest struggle for cyberbullying prevention in the future is matching the fast pace of technological innovation with effective preventative techniques.

Acknowledgments

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