

ONLINE BEHAVIOR:
CYBERSTALKING,
CYBERBULLYING,
PUBLIC SHAMING

// CLASS 17

FALL 2015 / SECTION 02 / HOLLY BUCK

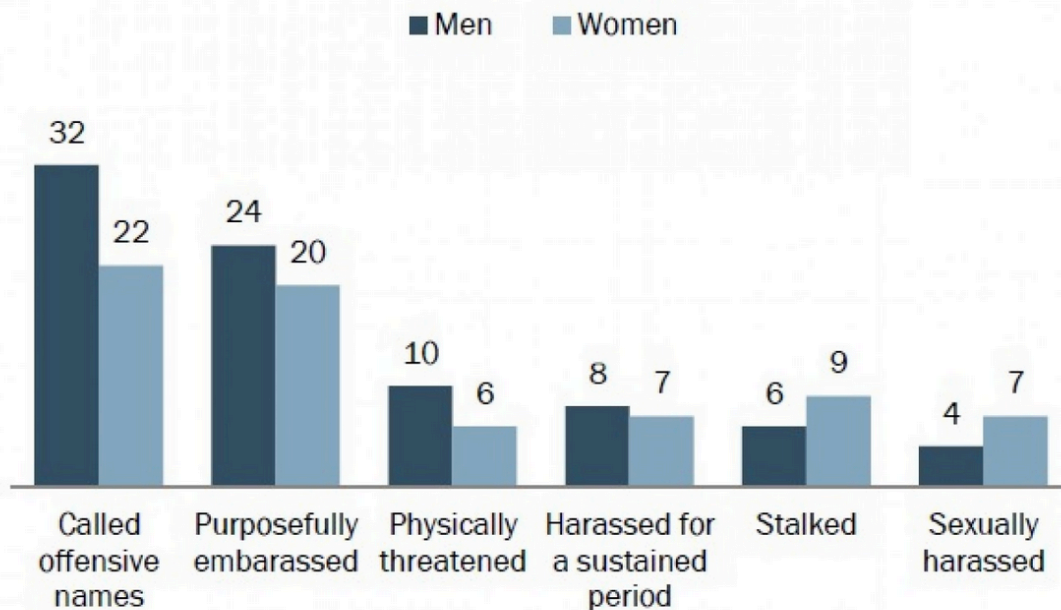
TODAY'S CLASS...

- Mini-lecture / readings review
- Discussion: Harassment
- Discussion: Public Shaming

ONLINE HARASSMENT: CYBERSTALKING / CYBERBULLYING

Men and women experience different varieties of online harassment

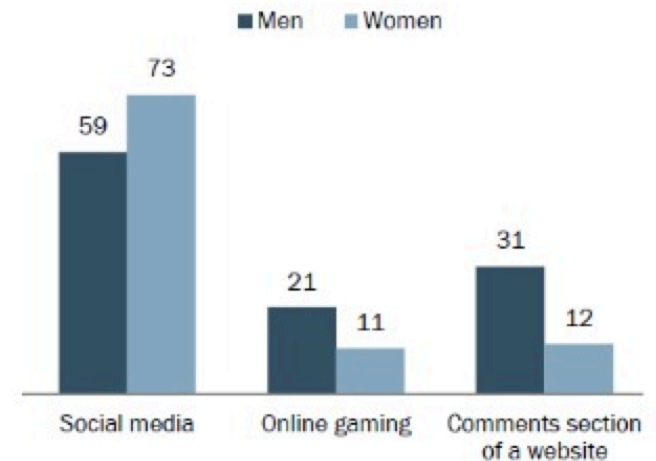
Among all internet users, the % who have experienced each of the following elements of online harassment, by gender...



(Pew Research)

Women more likely to be harassed on social media, men during online gaming and in comments sections

Among those who have experienced harassment online, the % who say their most recent experience occurred in the following places, by gender...



(Pew Research Center)

LEGAL ARENA

- Communications Decency Act of 1996 — protects platforms from being held legally responsible for what individuals say
- Violence Against Women Act — Until recently, the law criminalized abusive, threatening, and harassing speech conveyed over a telephone line, provided the abuser placed the call; the new law, passed in March, applies to any electronic harassment targeted at a specific person.
 - “Critics of the legislation pulled out the trope that the Internet is less real than other means of communication” (Hess)
- “Prosecuting online threats as bias-motivated crimes would mean that offenders would face stronger penalties, law enforcement agencies would be better incentivized to investigate these higher-level crimes—and hopefully, the Internet’s legions of anonymous abusers would begin to see the downside of mouthing off.”

LEGAL ARENA

49/50 states have statutes addressing CH, CS or both

Primary themes:

- Intent
- Anonymity
- Alarm / Distress / Fear
- Prior Contact
- Jurisdiction
- Age Reference

Hazelwood & Koon-Magnin (2013)

Table 2. Presence of each code in the CS and CH statutes of each state

State	Intent	Repeat Behavior	Told to Stop	Provoke	Extort	Anonymous	Third Party	Permit Use of a Device	Alarm/Fear/Distress	Threat	Family Member	Language/Gestures	Prior Contact	Protective Order	Jurisdiction	Age/Minors	Themes Present in State
Alabama	X					X			X	X		X					5
Alaska	X	X		X		X			X	X		X					7
Arizona	X					X			X								3
Arkansas	X								X	X		X					4
California	X	X	X				X		X	X	X	X	X	X	X		11
Colorado	X	X		X		X	X		X	X	X	X	X	X	X		12
Connecticut	X								X	X		X	X		X		6
Delaware	X	X		X		X		X	X			X					7
Florida	X	X							X	X	X	X	X	X		X	9
Georgia	X	X							X	X	X		X	X	X		8
Hawaii	X	X	X	X					X	X		X	X				8
Idaho	X	X	X						X	X	X						6
Illinois	X	X	X				X	X	X	X	X	X	X	X		X	12
Indiana	X								X	X		X	X	X			6
Iowa	X								X	X			X				4
Kansas	X	X					X	X	X	X	X	X	X	X			10
Kentucky	X					X			X	X							4
Louisiana	X	X						X	X	X	X	X	X	X	X	X	11
Maine	X	X			X				X	X	X		X				7
Maryland	X								X								2
Massachusetts	X	X							X	X				X			5
Michigan	X	X	X						X	X	X		X	X	X	X	10
Minnesota	X	X					X		X	X					X		6
Mississippi	X	X			X	X		X	X	X	X	X	X	X	X		12
Missouri	X	X				X			X	X	X	X	X	X		X	10
Montana	X	X	X		X				X	X			X	X	X		9
Nebraska																	0
Nevada	X	X							X	X	X		X				6
New Hampshire	X	X	X	X		X	X		X	X	X	X	X	X	X	X	13
New Jersey	X	X				X			X	X		X	X	X	X		9
New Mexico	X	X					X		X	X			X				6
New York	X					X			X	X			X				5
North Carolina	X	X			X		X	X	X	X	X	X		X	X		11
North Dakota	X					X			X	X		X			X		6
Ohio	X		X	X		X	X	X	X	X	X		X	X		X	12
Oklahoma	X	X	X		X	X		X	X	X	X	X	X	X	X		13
Oregon	X	X		X			X	X	X	X	X	X	X	X	X	X	13
Pennsylvania	X	X				X			X	X	X	X	X	X	X		10
Rhode Island	X	X							X	X	X		X	X			7
South Carolina	X	X	X					X	X	X	X	X	X	X			10
South Dakota	X	X			X	X	X	X	X	X		X					9
Tennessee	X	X				X			X	X	X	X	X	X	X	X	11
Texas	X		X					X	X	X		X					6
Utah	X	X	X	X			X		X	X	X	X	X	X	X	X	13
Vermont	X	X				X			X	X		X	X		X	X	9
Virginia	X								X	X	X	X			X		6
Washington	X	X				X	X		X	X	X	X	X	X	X	X	11
West Virginia	X	X	X			X		X	X	X		X	X		X		10
Wisconsin	X	X				X		X	X	X		X					7
Wyoming	X	X				X			X	X	X	X		X			8
Theme Frequency	49	36	13	8	6	22	13	14	49	46	26	34	32	26	21	10	

HOW IS STALKING / BULLYING / SHAMING DIFFERENT WITH DIGITIZATION?

- Volume (10,000s of tweets, etc.)
- Access by strangers
- Speed
- ?

HOW IS BULLYING DIFFERENT WITH DIGITIZATION?

“Cyberbullying has been found to differ from traditional bullying in that:

- (1) it depends on some degree of technological expertise;
- (2) it is primarily indirect / anonymous rather than face-to-face;
- (3) relatedly, the perpetrator does not usually see the victim’s reaction, at least in the short term;
- (4) the variety of bystander roles in cyberbullying is more complex than in most traditional bullying (the bystander may be with the perpetrator when an act is sent or posted; with the victim when it is received; or with neither, when receiving the message or visiting the relevant Internet site);
- (5) one motive for traditional bullying is thought to be the status gained by showing (abusive) power over others, in front of witnesses, but the perpetrator will often lack this in cyberbullying;
- (6) (the breadth of the potential audience is increased, as cyberbullying can reach particularly large audiences in a peer group compared with the small groups that are the usual audience in traditional bullying;
- (7) it is difficult to escape from cyberbullying (there is ‘no safe haven’)...”

Smith (2012), in Slonje, R., et al. The nature of cyberbullying, and strategies for prevention. Computers in Human Behavior (2012)

HOW IS STALKING DIFFERENT WITH DIGITIZATION?

5 “important differences between traditional forms of stalking and CS:

- (1) a message communicated online can be sent to anyone with internet access, is present immediately, and cannot be taken back or deleted;
- (2) the stalker may be anywhere in the world;
- (3) the stalker can stay anonymous with ease because of the lack of physical contact involved in this crime;
- (4) the stalker may easily impersonate another person to communicate with the victim; and
- (5) the stalker may use third party individuals to contact or communicate with the victim.”

Goodno (2007)

HOW IS SHAMING DIFFERENT WITH DIGITIZATION?

“NEW USES FOR AN OLD TOOL”

- “In digital form, data can be haphazardly copied, saved, linked, shared, modified, and remixed – and the physic and material limitations of images and sounds, texts and films, disappear. Thus the original context of words and actions can easily be shifted in terms of space, time, audience, and modality” – context collapse; words and actions intended for a certain context can be persistently visible to a potentially large audience (Hanne Detel)
- Anyone is subject to scandal
- No need for gatekeepers (journalists)

SOLUTION DOMAINS?

- Cultural
- Legal
- Technical
- ?

Withdrawal – not a convincing option as many people need to be online for their livelihoods

WHOSE RESPONSIBILITY?

Tech companies?

Local police departments?

Parents / schools?

Who has the resources?

(If someone doesn't have the resources, how might they obtain them?)

Discuss in your groups:

1. In which domain(s) do the solutions lie?
2. Whose responsibilities you think it is to confront cyberstalking/bullying?

SHAME FOR SOCIAL CHANGE? FROM SHAME TO ACCOUNTABILITY

“Non-profit groups, including Netherlands-based BankTrack, have spent the last five years calling out the worst banks funding mountaintop-removal coal mining in Appalachia, which is environmentally destructive but not yet illegal.

After being exposed, several banks vowed to phase out their relationship with mountaintop removal, thus demonstrating the power of shame to work at large scales. ...

Other examples of shaming -- singling out big banks for environmental destruction, exposing countries for refusing to end forced labour or calling out denialists who undermine action on climate change -- challenge the mistreated tweeter as shaming's stereotype.

What shaming largely is, after all, is not necessarily what shaming might be.” — Jennifer Jaquet, Env. Studies prof at NYU, *Is Shame Necessary?*

ANOTHER PERSPECTIVE: SHAMING IS PASSÉ

“We don’t prop people up in public, brand them with scarlet letters or hurl spoiled produce. ... **We didn’t cease these punishments because we began to see them as barbaric. They simply stopped working.**”

Historians point to the urbanization of impersonal cities with mobile, transient populations. It’s difficult to encourage shame if they can easily disappear into the crowd or escape to the next town. Shame works in closed, small communities that share similar norms.

American adjudicators typically look to five goals to justify a punishment: incapacitation, restitution, deterrence, rehabilitation and retribution. Neither incapacitation nor restitution apply to doxxing, since there are no legal enforcement mechanisms.

...considered through a historical lens, public shaming begins to look like a tool designed not to humanely punish the perp but rather to satisfy the crowd.” — Cole Stryker

DISCUSSION

1. Can good come out of public shaming online?
Are there some instances or contexts where it would be okay — even right?
2. What would different ethical theories say about this?