DIRECT BULLYING: CRIMINAL ACT OR MIMICKING WHAT HAS BEEN LEARNED?

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Bullying has been around for ages, but in the past decade it has been in the spotlight because of suicidal deaths and a push for legislation to put these bullies behind bars. Numerous national surveys report that a large percentage of bullying in schools is a form of direct bullying. Recently all but one state has now enacted harsher anti-bullying laws with zero tolerance policies in school districts. There is no doubt that bullying is occurring and changes need to be made, but do the bullies belong in jail or are they just mimicking behaviors they have learned?

The suicidal deaths of Phoebe Prince, Jon Carmichael, Jamey Rodemeyer, Eric Mohat, Kenneth Weishuhn, Jr. and Jessica Logan caught the nation’s attention between the years 2007-2012. The common cause in all of these cases; each young person was bullied by their peers. Jon Carmichael endured being stripped, tied and placed upside down in a trash can as well as having his head placed in the toilet bowl as it was flushed numerous times; all because he was small in size. Phoebe Prince was followed, taunted, had cans thrown at her and harassed online; all because of a boy she dated. Jessica Logan was harassed relentlessly by hundreds of girls; all because an ex-boyfriend sent nude photos of her through his phone. In all of these cases, only Phoebe Prince’s resulted in local authorities bringing charges against those involved. Should individuals who directly bully people be charged as criminals or are they victims as well?

When a person is subjected to physical violence such as kicking, slapping, and/or punching, or subjected to threats and name calling they are being directly bullied. (Carpenter & Ferguson, n.d., para. 1) If an adult uses physical violence or makes threats against another human being they can be charged by law with assault or battery of varying degrees. Assault is defined as threatening someone with harm while battery is the actual physical violence against a person (“Assault and battery,” n.d., para.1). Even legislation includes bullying under the terms harassment or assault with 25 states defining bullying together with harassment and/or intimidation (as cited in Brubacher, Fondacaro, Brank, Brown & Miller, 2009). Using these definitions it seems the logical step would be to charge a child who directly bullies as a criminal.

Schools seem to be agreeing with this mindset. Recently all states except Montana have taken steps to enforce anti-bullying laws. Of these, eighteen states provide a means for the victim to seek legal ramifications and nine states mandate that schools report bullying incidents to the police (Toppo, 2012). In 2011 New Jersey passed what is being touted as the toughest anti-bullying law in the nation. The “Anti-Bullying Bill of Rights” requires students to be expelled or suspended, places responsibility on administrators and employees to report all incidences whether they occur in school or not or face discipline issues as drastic as losing their license, mandates a “school safety team” in all schools, requires superintendents to report detailed incidents to the state twice a year and the State Education Department posts grades on how each school is doing (Freidman, 2011). More and more zero tolerance laws are being enforced in schools, but what would that look like statistically?
The U.S. Government Accountability Office recently analyzed four federal surveys on bullying and created the report School Bullying: Extent of Legal Protections for Vulnerable Groups Needs to Be More Fully Assessed. Analysis of HBSC 2005/2006: Estimates of Youth Who Reported Being Bullied for Certain Types of Bullying Behaviors show that 31.5% of students were made fun of, called mean names and/or teased; 13.1% were called mean names because of their race or color; 8.5% were called mean names because of their religion; and 12.8% were physically hurt or locked indoors (GOA, 2012). Based on these statistics, it seems that a large percentage of students in at least eighteen states would have a population of students in juvenile detention or jail.

Not all anti-bullying advocates believe this is the answer. While it is true that bullying is an issue, jail is not necessarily the answer nor is it necessarily the child who should be held responsible. Russlyn Ali, assistant secretary for civil rights for the Department of Education believes that reporting bullying incidents to the police should really be thought out by school officials because of the harm it might bring to the school culture (as cited in Toppo, 2012). Eliza Byard, head of Gay, Lesbian and Straight Education Network (GLSEN) believes that if society locks these direct bullies up, adults are failing the children (as cited in Toppo, 2012). Taking it even further Rosalind Wiseman, author of Queen Bees & Wannabes, places the blame on adults creating a culture of bullying and Jeannie Chambers, mother of Kenneth Weishuhn Jr., states that the parents of bullies need to be held responsible for their children’s behavior because she believes they learn the behavior at home (Toppo, 2012). If this is the case then the students are not criminals as some believe, but mimicking what they have learned.

According to a report by Brubacher, et al. (2009), the messages parents send to their children about the fairness of conflict resolution could lead to bullying. Statistics show that 60% of bullies in middle school will incur at least one criminal conviction by the age of 24 and a staggering 40% will incur three or more (as cited in Brubacher, et al., 2009). Research further shows child behaviors are based in parental conduct; if parents bully then the child will likely bully. Bullies are also twice as likely to have been exposed to domestic violence (as cited in Brubacher, et al., 2009). Parents that are inconsistent in resolving conflicts, that use corporal punishment or punish their children when they are angry and with emotional outbursts, or that maltreat their children tend to have children who bully. The children in these homes are witnessing and experiencing poor conflict resolution and feel that they are being treated unfairly. These feelings become internalized and in turn they tend to deal with conflict with behaviors consistent with direct bullying (Brubacher, et al., 2009).

Further adding support to this perspective is a study conducted by Teisl, Rogosch, Oshri & Cicchetti (2012). The authors examined 470 children from high-risk neighborhoods aged 6-13 of whom almost half were exposed to some form of maltreatment. They concluded that children who were maltreated were more likely to be identified as bullies and tend to be confrontational when dealing with conflict.

Bullying programs have been implemented nationwide, but with recent statistics proving there is no dramatic change, something more needs to be done. Bullying is not just a school issue; it extends past the school walls into the community and might begin in the home. A possible answer to deciding whether these young people are criminals or are just mimicking learned behaviors lies in designing, implementing and evaluating a program that encompasses not just the students, but the entire community. This dilemma calls for further research to be conducted with a focus
on the direct bullying. Although personal interviews have limitations, these along with self-disclosure surveys and statistics from schools taken before and after an intervention program has been put in place might just provide the answer.

References


Toppo, G. (2012, June 13). Bullies as criminals?. *USA Today*, pp. 1A, 2A.