THE CYBERBULLYING MORAL PANIC

The government's cyberbullying scare is confused and dangerous, write **Chris Berg** and **Simon Breheny**

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Bullying among children is a serious problem. At its tragic worst it can lead to suicide. But it is a serious social problem, not a technological one.

Earlier this year, the Coalition government released a discussion paper 'Enhancing Online Safety for Children.' The proposals contained within the discussion paper have been drafted with the intention of tackling cyberbullying—that is, bullying using digital technology.

Unfortunately they will do nothing to solve the bullying problem.

And, by establishing a 'Children's e-Safety Commissioner' with powers to take down material from social media websites, it will increase

And it's a particularly disappointing development coming from this government. In a speech to the Samuel Griffith Society in 2012 entitled 'In Defence of Freedom of Speech', then Opposition legal affairs spokesman Senator George Brandis said:

> The measure of a society's commitment to political freedom is the extent of its willingness to respect the right of every one of its citizens to express their views, no matter how offensive, unattractive or eccentric they may seem to others.

The proposed establishment of an e-Safety Commissioner is not a policy that lives up to Brandis' high-minded rhetoric. Indeed the proposal moves Australia in

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government control over the internet and clearly threaten free speech.

The discussion paper outlines three key measures the government aims to implement to address cyberbullying: the establishment of the Children's e-Safety Commissioner; developing an effective complaints system, backed by legislation, to get harmful material down fast from large social media sites; and examining existing Commonwealth legislation to determine whether to create a new, simplified cyberbullying offence.

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precisely the opposite direction. If the Coalition's e-safety policy is implemented, this government will be doing more to restrict free speech than it is to defend it.

Several concepts used in the discussion paper are ambiguous. The term 'harm' is itself a term that describes a broad range of conduct, from the very serious to the trivial. Whenever the basis of a bureaucratic power is vague it gives discretion to public servants. In the case of the e-safety commissioner, it means that none of us can be sure whether we'll be censored for something we say online.

The proposed regime carries some very serious risks. The commissioner will not be infallible. There will be

mistakes, and content that should never have been taken down will be removed by the government.

We've seen this before. In June last year, the Australian Securities and Investments Commission admitted that it had accidentally blocked 250,000 websites in an attempt to tackle online scams. Those who cannot remember the past are condemned to repeat it.

The risk of inadvertent removal of material is serious. But perhaps even more concerning is the idea that the government should grant itself this kind of power at all. It's not the role of government to judge what is and is not acceptable social discourse. Those important decisions must be reserved for rational, free individuals.

And like any government initiative there is the risk of scope creep. What starts as a small censorship regime grows into a large censorship regime. In a liberal democracy there is only one acceptable level of censorship: none.

On the flip side, it will be impossible for the e-Safety Commissioner to protect children from all cyberbullying. Lines have to be drawn somewhere. And wherever the government creates that threshold there are going to be children who will be the subject of bullying that is not caught by the government's cyberbullying

> **THE TRUTH IS THAT CYBERBULLYING IS BULLYING. IT'S AWFUL. IT'S DAMAGING. BUT CYBERBULLYING IS NO MORE OR LESS A PROBLEM THAN RUN-OF-THE-MILL PLAYGROUND BULLYING.**

regime. Additionally, no matter how carefully this policy is implemented there will be cases where the commissioner will fail to remove legitimately harmful material.

Of course, that won't stop parents from trusting that the government is putting an end to cyberbullying. Governments love to pretend they have everything under control. And many parents will trust that the commissioner has covered the field.

But the risk is that the existence of this program provides a false sense of security. Parents will rely on the government to protect their children. This attitude is instinctive—the government is taking more responsibility so I don't need to take as much.

This attitude has a dramatic impact on consumer behaviour. Parents who rely on the e-safety commissioner no longer direct capital towards free market answers to cyberbullying. This outcome is a direct result of the government intervening in an area where government action is unnecessary. Implementing a government-run online safety program creates perverse incentives that lead to fewer privately developed solutions.

There are a very broad range of tools available to parents, teachers and schools which can assist in effectively targeting cyberbullying.

The most important mechanism that exists to deal with cyberbullying is direct reporting to the social media networks themselves. It's in the interest of social media sites to have highly developed reporting mechanisms in place.

Facebook allows users to report violations of its statement of rights and responsibilities. The statement contains an explicit reference to bullying: 'You will not bully, intimidate, or harass any user.'

The outline of Community Standards expands on its uncompromising stance: 'Facebook does not tolerate bullying or harassment. We allow users to speak freely on matters and people of public interest, but take action on all reports of abusive behaviour directed at private individuals. Repeatedly targeting other users with unwanted friend requests or messages is a form of harassment.'

Twitter, LinkedIn, Pinterest, Google+, and other social media sites likely to come under the purview of the government's commissioner have all developed similar policies.

Distinct from internal reporting tools, there is also a growing range
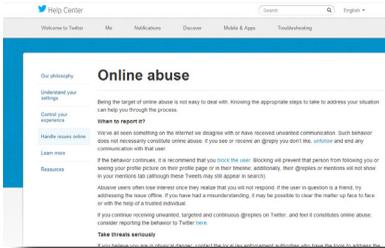
A FIELD GUIDE TO MORAL PANICS

SUBLIMINAL MESSAGING

IN 1985, SOME PARENTS ACCUSED HEAVY METAL BANDS OF WORKING SUBLIMINAL MESSAGES ENCOURAGING SUICIDE AND OTHER BEHAVIOUR INTO THEIR MUSIC. SOME BELIEVED THAT THE MESSAGES COULD BE REVEALED BY PLAYING THE MUSIC BACKWARDS.

COMIC BOOKS

PSYCHOLOGIST FREDERICK WERTHAM CAUSED WIDESPREAD PANIC AFTER THE PUBLICATION OF HIS 1954 BOOK, *SEDUCTION OF THE INNOCENT.* THE BOOK OUTLINED THE CORRUPTING INFLUENCE COMIC BOOKS HAD ON THE LIVES OF YOUNG PEOPLE.

Twitter Online Abuse
http://support.twitter.com/
articles/15794-online-abuse

Google+ Safety Center
http://support.google.com/plus/
answer/2402979

Facebook Family Safety Centre
http://www.facebook.com/safety

of anti-cyberbullying software available to parents. The number of programs available is impressive. They range in scope, complexity, format and price, and can provide a remarkable amount of parental control.

'CyberSynchs' is an application that identifies bullying and other inappropriate behaviour, and then sends a report to parents. Trend Micro's 'Online Guardian' allows parents to monitor their children's social media traffic for pre-programmed key words and phrases.

There are hundreds of these products currently available. And more are being developed all the time. Primary and secondary schools also install filters at the network level. These are the solutions that are available to parents seeking to protect their children from cyberbullying.

There are also a number of existing legal remedies that cover the same or similar conduct as that targeted by the government under the e-safety policy. Violent threats; menacing, harassing or offensive conduct online; stalking; and unauthorised access to accounts are all criminal offences.

The truth is that cyberbullying is bullying. It's awful. It's damaging.

But cyberbullying is no more or less a problem than run-of-the-mill playground bullying.

The same approach should be used for both. Parents are more in tune with the emotional disposition of their own children. They know better than any government-appointed commissioner how their child will react to incidents of bullying, and they know best how to deal with it. Parents are the best anti-bullying advocates their children will ever have.

The proposed Children's e-Safety Commissioner is a policy born of illiberalism. It patronises parents, and it infringes freedom of speech. The government should not proceed with its e-censorship proposal. R

CYBER-PORN

CYBER-PORN HAS EXISTED FOR AS LONG AS THE INTERNET. FROM THE EARLY 2000S, PARENTS HAVE BEEN CONCERNED THAT FREELY AVAILABLE INTERNET PORNOGRAPHY IS TRANSFORMING THEIR INNOCENT OFFSPRING INTO SEXUAL DEVIANTS.

VIDEO GAMES

VIDEO GAMES TEND TO BE BLAMED EVERY TIME A YOUNG PERSON IS INVOLVED IN A VIOLENT INCIDENT. MEDIA COMMENTARY ABOUT THE EFFECT THAT GAMING HAS ON YOUNG PEOPLE IS RIFE WHENEVER TRAGIC SCHOOL SHOOTINGS TAKE PLACE.