Perceived Criminality of Cyber-Harassing Behaviors among Undergraduate Students in the United Kingdom

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ABSTRACT

Whilst cyber-harassment is a criminal act within the United Kingdom, there is little research examining whether cyber-harassing behaviors are perceived as criminal. This paper assesses whether the 'Big Five' personality characteristics and Internet self-efficacy influence perceived criminality of cyber-harassing behaviors. The sample comprised 320 undergraduate students who completed an online survey measuring perceived criminality of 18 cyber-harassing behaviors. Principal axis factoring revealed three dimensions: malicious behavior, harassing messages, and malicious software. High Internet self-efficacious individuals (i.e., those who feel more in control of online interactions) were more likely than low Internet self-efficacious individuals to perceive malicious software as criminal. Low-agreeable individuals were more likely than high-agreeable individuals to perceive harassing messages as criminal. Whilst personality and Internet self-efficacy influenced perceived criminality for some cyber-harassing behaviors, the findings were not consistent. The paper discusses the findings and implications for future research.

Keywords: 'Big Five' Personality, Cyber-Crime, Cyber-Harassment, Cyber-Stalking, International Personality Item Pool (IPIP), Internet Self-Efficacy, Perceived Criminality

INTRODUCTION

As Internet access increases within the United Kingdom (UK) (Dutton & Helsper, 2007; Dutton, Helsper, & Gerber, 2009), there is concern that instances of cyber-harassment will increase, potentially surpassing instances of offline harassment (Bocij, 2004; Cupach & Spitzberg, 2004; Whitty & Carr, 2006). Despite this speculation, little is known about the phenomenon, perpetrators and/or victims. This paper aims to further understanding about the perceived criminality of cyber-harassing...
behaviors, with particular focus on the role of the ‘Big Five’ personality characteristics and Internet self-efficacy on individuals’ perceptions. This is important as research has shown that cyber-harassment can have the same impact on victims as offline harassment, including emotional, physical, social and financial impacts that can cause distress (Bocij, 2003; Sheridan & Grant, 2007). Despite the distress caused by cyber-harassment, there remains little support for victims. Many countries have anti-harassment legislation that can be used to prosecute perpetrators of cyber-harassment. Perpetrators are prosecuted in the country they reside and not the country where the victim resides. However, countries differ in how they define harassment, and whether the legislation stipulates intent or threat requirements. Due to legislative differences between countries, this paper focuses on anti-harassment legislation within the UK, which is known as the Protection from Harassment Act (PfHA) (Home Office, 1997).

Whilst the PfHA was originally designed to prosecute perpetrators of offline harassment, the Act is broad enough to allow for the prosecution of perpetrators of cyber-harassment (Basu & Jones, 2007; Ellison, 1999). The Act has been criticized as it does not define harassment or list harassing behaviors (Bocij, Griffiths, & McFarlane, 2002). As harassment is not defined in the Act, solicitors have to demonstrate how the perpetrator’s behavior equates to harassment. Therefore, successful prosecution is dependent on solicitors’ subjective interpretations of the Act to prove guilt beyond reasonable doubt. Arguably, this limitation gives the Act strength, as it allows for the inclusion of new forms of harassment (including cyber-harassment).

There is some evidence to suggest that there is a match between individuals’ perceptions of offline harassment and how harassment is defined in anti-harassment legislation. Sheridan and Davies (2001) asked 88 undergraduate students to read 20 vignettes depicting intrusive behavior. Participants were randomly assigned to one of four groups and rated the extent to which they thought the vignettes depicted stalking (a more serious form of harassment) in accordance with the PfHA, the USA Model Stalking Code, the South Australian Criminal Law Consolidation Act, or their own opinions. Participants were able to interpret anti-harassment legislation when making judgments of criminality for the transcripts, with this effect particularly evident among those who interpreted the PfHA. Furthermore, when participants were not provided with anti-harassment legislation, their perceptions of stalking were more closely aligned with the PfHA than other anti-harassment legislation. Whilst this study indicates that jurors would able to apply the PfHA for offline harassment cases, it reflects a comprehension task that may not apply in cases whereby the perpetrator’s behavior is ambiguous. Furthermore, the findings may not translate to perceptions of cyber-harassment as cyber-harassment can occur solely online and perpetrators may never come into proximal contact with their victims.

Perceived criminality of cyber-harassing behaviors may be complicated by the virtual nature of behaviors, as people may not perceive online behaviors as having offline consequences. According to Suler (2004), visual anonymity reduces feelings of responsibility for behaviors conducted online. If this is the case, people may not perceive online behaviors as having offline consequences. Whitty (2007) concurs, arguing that people split their online behavior from offline consequences. Alexy, Burgess, Baker, and Smoyak (2005) asked 342 participants to read a vignette depicting a genuine case of cyber stalking. Despite the seriousness of the case, only 30% labeled the case as cyber stalking, and 7% did not view it as harassment. This suggests that the virtual nature of cyber-harassment makes it difficult for individuals to make judgments about the criminality of cyber-harassing behaviors.

Gender and personality may play a role in whether people perceive cyber-harassment as criminal. Cupach and Spitzberg (2004) suggest that females are more aware of privacy intrusions than males. Agatston, Kowalski, and Limber (2007) reported that females who par-
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