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## Happy?? Slapping??

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For a few years now in Australia and worldwide cyber bullying has been the 'new' buzz word in student bullying. Now, however, 'happy slapping' seems to have usurped that place. While cyber bullying is defined as bullying through any kind of technology, happy slapping combines both face-to-face physical violence and technology. But is it actually bullying? And is it a school responsibility?

Happy slapping is the name given to an event where at least two people, surprise a third by slapping them and videoing the event on a mobile phone. It is called happy because of the expected fun that the perpetrators have in watching the video. It is also thought that it could have been named because of the excuse of "just joking" which accompanied the act. The phenomenon is purported to have started in the United Kingdom in late 2004 and has now spread through Europe. However, the slaps have often turned into more violent attacks. The first reported case of happy slapping in Australia was published in the Australian newspaper in September this year. A Year 9 student at an Orange high school in NSW was purportedly knocked to the ground by another student while a third student filmed the attack. The boy broke his collarbone but was unaware that it was deliberate, until his friends told his mother that the incident was set up as a prank and was videoed with a mobile phone camera. The perpetrators apparently delighted in showing other students how funny the video was.

Is happy slapping bullying, just a prank or assault? To determine this, a definition of bullying needs to be agreed on, which is difficult, given the plethora of definitions in the literature. However, there seems to be four main concepts which underlie the different definitions of bullying. First, there is the intent to hurt. Happy slapping would seem fit that concept, if not with physical violence then with the embarrassment caused. Second, there has to be an imbalance of power. Again if the attack is unprovoked and in fact, relies on its impact for surprise, then this concept is also met. Third, victims of bullying feel helpless and unable to defend themselves. If the victim is unaware then this probably is the case. Fourth, bullying is repetitious causing the victim to live in apprehensive fear. Happy slapping is a one-off event so it seems not to meet this concept. However, if, as in many cases of cyber bullying, the video is 'repeated' that is, shown many times, to many people then it could fit this concept as well. Or is it just a prank? Is it the seriousness of the consequences that determine whether it is a joke, or the intent of the perpetrators? Many times bullying is considered to be 'serious' only when the consequences are actually quite severe, such as when there is death or serious injury. For example, a girl was found guilty in Canada of uttering threats and criminal harassment to Dawn Marie Wesley, a 14-year-old who hanged herself in 2000. Dawn had been bullied by at least three other girls at her school who threatened to beat her up. She was often frightened and in tears and had visited the school counsellor. One of the girls was sentenced to

18 months probation. As the Canadian Judge said, *“When do school yard taunts cross over the line to become a criminal offence of threatening death or bodily harm? When does a teenager’s annoying behaviour towards a fellow student amount to an offence of criminal [stalking]?”* Or is happy slapping an assault? Or is it a slap, a pinch, a push or a punch? As bullying is not a legal term, many people are now starting to use legal terms to describe children’s behaviours. For example, playing on the school basketball court on a Saturday is called trespassing; a Year 1 boy pinching a girl on the bottom is called sexual harassment; a punch is classified as an assault.

Although the Australian newspaper (4.9.06) claimed that the NSW boy was the first victim of happy slapping in Australia this may not be the case. On Insight in September last year which discussed different forms of bullying, including cyber bullying, a case was mentioned of girls being physically bullied and other students filming it on their mobile phones. It was not called happy slapping. So when two Year 8 boys about three weeks after the first NSW incident, were filmed on a mobile phone fighting in the playground at Gunnedah High School, NSW Education Department said it was not happy slapping because the filming had not been planned. So was this similar to the Melbourne DVD case of the “Teenage Kings of Werribee” where there was an intent to film, especially the footage of the group assault and humiliation of a 17-year-old girl described as having a mild developmental delay? Or are we just trying to cope with students who are combining the physical and cyber world in their bullying as they do in their everyday lives and adults are trying to come up with definitions to understand it.

**How do kids know to act like this?** We can of course claim that the media by reporting on the cases in the press, on radio and TV, disseminates the information. And the Internet can then give young people more information.

**Is it a school responsibility?** Because schools are considered to have geographical boundaries, then some people argue that if events don’t happen at school then it is not the school’s problem. If students bully outside of school then it is not the school’s responsibility or if they bully using their own mobile phones or computers then it is not the school’s responsibility. However, the consequences of what students do outside the school’s boundaries often spill over into the school.

**What can we do about it?**

After the first report on happy slapping in NSW the education authorities advised schools to report all cyber bullying to the police. This raises the question of how do police uphold the law when there is no law against bullying? Because of the age of students there are limits to criminal liability. Under the Australian Commonwealth’s Criminal Code Act 1995 a student under 10-years of age is not criminally liable for any act, while a student who is from 10-years-old to 13-years-old is presumed not to be criminally responsible, with students 14-years-old and over automatically criminally liable for their acts. This is based on students often lacking an appreciation that their actions and words done and uttered during the heat of a school-

based feud could be criminal and that their immaturity means that they have a reduced ability to control their impulses and have underdeveloped empathy skills. So in most cases of happy slapping the police and the law would not be the solution.

Perhaps the five “Ps” could work with both face-to-face bullying and cyber bullying and any combinations of the two.

## **The 5 “P”s**

### **Prevention**

The first step to prevention of bullying, cyber or face-to-face by students, is that everyone is aware of the problem and secondly, considers it a problem. This includes, school staff, students and parents. Awareness can be achieved in many different ways, such as workshops, articles in newsletters and discussion forums.

### **Policies**

Schools need to have educational, ethical and legally defensible policies to deal with all forms of bullying. Most schools are now aware of their responsibility under the Safe Schools Framework to have an anti-bullying policy for their school. However, some schools have not updated their policies to take cyber bullying or happy slapping into account.

The problem with school policies is that sometimes they do not define bullying or even include cyber bullying with sufficient precision. The nuances of words are important in law which needs precision in language. School policies can be challenged in law if the language is too vague. Bullying is not a legal term as mentioned previously, rather the terms associated with bullying are assault, threats, extortion, stalking and harassment. If the policy prohibits bullying, therefore, a definition of what it is, what consequences will happen, a description of expected behaviour, procedures for reporting, provisions to protect reporters, ways to increase reporting and investigating complaints as well as reconciliation issues need to be addressed. That is, policies need to be operationalised into procedures.

### **Procedures**

Unless there are clear procedures for reporting cyber bullying and happy slapping and clear steps that staff, students and parents are aware of and follow for dealing with the report, then the policy is only on paper. One of the most important ways to decrease cyber bullying is for students to report it. While supervision in the playground can prevent and quickly deal with instances of overt bullying, covert bullying, such as relational aggression and cyber bullying are harder for adults to detect. Victims often do not tell adults because they are ashamed, fear retaliation from the bullies, are caught in a culture of ‘don’t dob’ and think that adults will not and cannot help. The key

therefore is 'bystander' reporting, for those students who witness incidents but are not directly involved to report what they have seen.

## **Parents**

Parents always have an important role in decreasing bullying, but especially so in cyber bullying as it often happens at home. Parents' involvement needs to be at the whole school community level of awareness raising, enlisting their help in say, conducting bullying surveys in the school as well as on an individual family level when their children are involved in reported incidents.

## **Programs**

Programs can include training school staff in anti-bullying policy and procedures, especially at induction. Training is also needed for judges and lawyers about the complexities of cyber bullying and happy slapping and appreciation of the complex decisions schools have to make. There should be preventative programs for all students, to increase reporting and to raise awareness of the issues. Programs which address values and empathy training, direct teaching about bullying and peer support and buddy programs would assist. Also, there is a need for support groups for identified victims and help for identified bullies with a reconciliation program to ensure that this deeply embedded social problem has some resolution in the school.