



The effect of de-individuation of the Internet Troller on Criminal Procedure implementation: An interview with a Hater

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Abstract

Trolling has been one of the most talked about issue in relation to the internet in the second decade of the 21st century to date. Many people have spoken out against those who use the Internet to abuse others. It is clear that on their own, laws are not going to solve the problem of Internet abuse and data misuse, as being tough on crime needs to be matched with being tough on the causes of crime. This paper provides an in depth interview with an Internet troller and discussion of the findings of this to provide a general framework for understanding these 'electronic message faults.' The interview with the troller makes it apparent that there are a number of similarities between the proposed anti-social personality disorder in DSM-V and flame trolling activities. An investigation into the application of the Criminal Procedure rules in United Kingdom finds a number of inconsistencies in the way the rules are followed, which it appears are causing injustices in the application of Internet trolling laws.

Keywords: Internet Trolling, Troller, Law, Hate crimes, Technology, anti-social personality disorder.

Introduction

Internet trolling is proving a problem for many people and organisations that make up networked societies. The term itself is proving controversial, as 'trolling' once reflected the posting of provocative messages, whereas it has now been extended to cover the posting of offensive messages also. One could therefore conceptualise trolling, in its current form, to include both Internet abuse and data misuse. There has at present been no effective case study into what makes Internet trolls tick so that it is possible to understand how to effectively deal with them. Case studies as early as 2008 identified the existence of Internet users that abuse others (e.g. Snerts) and those that entertain others (e.g. Trolls). More recent studies have linked this humorous kind of user, the 'Troll' to transgressive and abusive forms of posting messages, by people who self-describe themselves as 'trolls.'

Trolling in general is the posting of messages via a communications network that are intended to be provocative, offensive or menacing. It is possible to differentiate the different types of trolling into two categories to ascertain which is offensive and which is productive. The more positive kind is called 'kudos trolling', and the offensive kind is

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called, 'flame trolling'. Newspapers across the world are publishing stories each day of such offensive and menacing trolls, called Snerts in the trolling research sphere (Bishop, 2008; Bishop, 2013) and mistakenly “trolls” by the mainstream media. A common agreement is that there is a type of troller known as a ‘Hater’. These are a very specific type of Snert, which one could call a ‘Domination Snert’ as they go out of their way to bully a specific target (Bishop, 2012b; Bishop, 2012c).

Hater Trollers and the Deindividuation of Internet Trollers

Deindividuation is a psychological state where inner restraints are lost when individuals are not seen or paid attention to as individuals (Demetriou & Silke, 2003). Feelings of deindividuation are known to weaken a person's ability to regulate behaviour, resulting in them engaging in rational, long-term planning to target others where they are less likely to care what others think of their behaviour (Seigfried, Lovely, & Rogers, 2008). Deindividuation is an important part of depersonalization, which is characterized by a decreased sense of self-identity, self-awareness, and lower level of self-control (Chao & Tao, 2012).

Such definitions of deindividuation appear to be perfect descriptions of Snerts and Hater Trollers. Such Internet users target their victims, consciously and purposely as a way to get discomfort from trying to dash their confidence, to get a sense of satisfaction they wouldn't otherwise. It is known that when Internet users lose the ability to judge information about others that is often supplied through visual and auditory cues, they are both more likely to engage in antisocial behaviour, such as trolling, and to misinterpret the meaning intended by others (Lampe, 2012).

Hater trollers when presented with a user or website where someone “puffs themselves up” or otherwise presents a very confident picture of themselves tend to target these people for their abuse. Even if the reason these people are presenting this information are trying to build esteem when they have a difficult life, as Lampe (2012) argued, without such information being obvious, it can lead to the rise of Hater trollers who target a particular individual.

Deindividuation and flame trolling as a consequence of ‘empathic spectrum conditions’

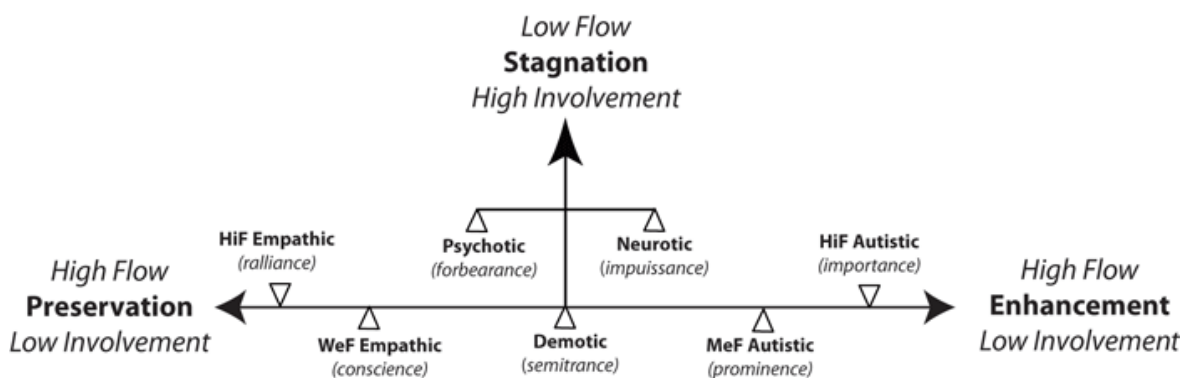
Unlike is commonly thought about bullies, including cyber bullies, they are often cold and manipulative experts in social situations, organising gangs and using subtle, indirect methods (Sutton, Smith, & Swettenham, 1999). The Internet is a fertile environment for such people as its means of surveillance often has less than adequate controls over potential abuse (Smith, 2011). Whilst on one hand those with autistic spectrum conditions (ASCs) lack social competencies to maintain discourse, they do on the other have a theory of mind – of other autistic people. People with ‘empathic spectrum disorders’ (ESDs) conversely, usually take part in flame trolling use their social skills to their advantage in harming others. Their skills are often directed to others who do not fit in their comfort zone, such as those who achieved things they didn't. Those with ASC, who often have a string of accomplishments or special knowledge in a particular area, are often the targets of flame trolling by these ‘empathics’ who resent any confidence they might have. They are called ‘empathics’ because they are able to understand and communicate with others similar to them, but lack many of the character strengths in those on the autistic spectrum

to look beyond others social and cultural differences. Such persons are considered to have an ESD for the purpose of this paper.

A conceptual framework is presented in Figure 1 showing the relationship between those with ASCs who are dominant in autistic traits (on the right) and those who are more dominant on empathic traits (on the left). Those at the furthest extreme of being autistic are called 'Hi Functioning Autistics' (HiF Autistics). This is because they can be friends with anyone who will be friends with them due to good relationship skills, but lack the social skills needed to have complete competence in interpersonal relations. HiF Autistics are likely to have a strong need to feel important (i.e. importance). What are called Me-Functioning Autistics (MeF Autistics) on the other hand are only able to handle their own company, and equally their opposites – We-Functioning Empathics (WeF Empathics) – are only able to cope with the company of those similar and close to them due to poor relationship skills. Hi Functioning Empathics (HiF Empathics) are likely to have good social skills, but due to poor relationship skills are likely to bite of more than they can chew by trying to be friends with everyone, even those who will not be friends with them. HiF Empathics have a strong need to feel appreciated (i.e. ralliance).

In the middle is a dilemma cycle, consisting of people referred to as demotics, because they have average social skills and average relationship skills. This part of the continuum reflects what people go through when they are in a situation where they can neither feel important or appreciated, or otherwise they feel criticised (i.e. experience semitrance). At this point they then move between Psychotic (i.e. forbearance) and Neurotic (i.e. impuissance) while in a state of dissonance. In real terms one can see this process as a significant limitation in the human brain. Baron-Cohen, Wheelwright, Lawson, Griffin, and Hill (2002) makes it clear that there likely to be a trade-off between being empathic and being autistic, and it is difficult to be one and the other at the same time. It may be the case that this dilemma cycle is caused by a person trying to 'be all things to all people,' when the human brain has not evolved enough to deal with the demands of the information age. Indeed it is known that trying to teach autistic people to develop the skills innate to empathics is associated with the development of psychotic symptoms (Bishop, 2011a).

Figure 1. Relationship between those with ASCs who are dominant in autistic traits



Another consideration in the psychopathy of the Hater is the 'conscience' category associated with ASPD. Compared to others who are motivated by conscience who act more positively, Haters feel no obligation to show regard for care for someone else. This especially includes R.I.P Trollers, who feel a sense of obligation to flame troll memorial pages, when they are posted to by people who never even knew the deceased, but are just jumping on the bandwagon (Walter, Hourizi, Moncur, & Pitsillides, 2011). This compares with those MeF Autistics and WeF Empathics who are less likely to resent others while they are encapsulated in their own world or own group respectively. When either of these groups achieve, the Haters who will be trapped in the dilemma cycle will feel they need to 'bring them down a peg or two'.

The rest of this paper will focus on the demotic types of Hater. These are trollers who have a sense of what it means to be successful beyond what they can achieve in their semitrance state. As they can't achieve it, their actions jump back and fore between being neurotic, where they feel they have to attack people who are more successful than them, to being psychotic, where they think they are better than the person they deem more successful and need to ensure that they are made to 'know' this. One can see in the case of this 'dilemma cycle,' as others (Bishop, 2011c; Bishop, 2012a), which they are form as mental blocks in the brain known as 'phantasies' (Bishop, 2011b; Bishop, 2012d). This results from an obsession with a particular life event, which in the case of Haters may be a life opportunity missed or an unrealised utopia (such as "being rich and famous"). The outcome of a failure to accommodate this sometimes traumatic life experience (i.e. a phantasy) results in a compulsion to perform particular behaviours to avoid dealing with it, which include those associated with 'antisocial personality disorder' (ASPD). When this phantasy comes to mind it results in denial which means the person will forever be stuck in the dilemma cycle, which in the case of the one in the preference continuum means they will not achieve the excellence associate with being a HiF Empathic or a HiF Autistic.

In the case of Haters the compulsion that results from a phantasy they have not dealt with trapping them in a dilemma cycle can include abusing people who have achieved the life goals they feel they have failed to, but have avoided coming to terms with. Indeed, there are strong links between people with ASPD and flame trolling such as cyber bullying (Sourander et al., 2010) and also between lurking and social phobias (Bishop, 2011c). Indeed, research has found that in online communities where abuse is clearly visible, users are more likely to encourage lurking so that fewer people participate (Andrews, Nonnecke, & Preece, 2007). It is therefore important to assess how the different factors related to ASPD impact on the problems associated with flame trolling.

Investigating the propensity of a Hater flame troller in terms of how they exhibit the elements of antisocial personality disorder

It is known that a factor linked to antisocial personality disorder is frequent bullying on the person. While it is known that females are more prone to emotional and psychological manipulation, a male was selected in this study from a convenience sample of someone who was flame trolling the author on the author's website (Marcum, Higgins, Freiburger, & Ricketts, 2012). This study, therefore, aims to find out whether there is any link between ASPD and flame trolling. To do this, the author adopted approaches to online interviewing recommended by James and Busher (2009). This included using a mixture of collecting comments online and discourse by email. The participant was selected on the

basis that he had past experience of flaming the author on the author’s blog, which would make it possible for a ‘brief ethnography’ without the associated ‘mistrust building’ that one would need to understand the world of flame trolls.

Table 1. Elements of the proposed DSM-V diagnostic test for anti-social personality disorder

Factor	Description	Flame troller examples
Identity	Ego-centrism; self-esteem derived from personal gain, power, or pleasure.	Gets gratification from harming others.
Self-direction	Goal-setting based on personal gratification; absence of pro-social internal standards associated with failure to conform to lawful or culturally normative ethical behaviour.	Often missing out on some opportunity the person they are trolling has.
Empathy	Lack of concern for feelings, needs, or suffering of others; lack of remorse after hurting or mistreating another.	Gratification gained from trolling others is often enjoyed and repeated.
Intimacy	Incapacity for mutually intimate relationships, as exploitation is a primary means of relating to others, including by deceit and coercion; use of dominance or intimidation to control others	Will strategically set others up so as to get gratification from their misfortune.
Manipulativeness	Frequent use of subterfuge to influence or control others; use of seduction, charm, glibness, or ingratiation to achieve one’s ends.	Will make ‘good faith’ posts in order to gain trust of others before ‘going in for the kill’.
Deceitfulness	Dishonesty and fraudulence; misrepresentation of self; embellishment or fabrication when relating events.	Will assume pseudonyms or anonymous identities to target others.
Callousness	Lack of concern for feelings or problems of others; lack of guilt or remorse about the negative or harmful effects of one’s actions on others; aggression; sadism.	If their target is going through problematic times, will use this as ammunition rather than to back off.
Hostility	Persistent or frequent angry feelings; anger or irritability in response to minor slights and insults; mean, nasty, or vengeful behaviour.	Often will launch attacks on target if they make a minor comment they disagree with.
Irresponsibility	Disregard for – and failure to honour – financial and other obligations or commitments; lack of respect for – and lack of follow through on – agreements and promises.	Even if they have been warned that they will be banned they will continue and set up ‘sock-puppet’ accounts if banned.
Impulsivity	Acting on the spur of the moment in response to immediate stimuli; acting on a momentary basis without a plan or consideration of outcomes; difficulty establishing and following plans.	Will often become inflamed when they are rebuked or their claims rebutted.
Risk taking	Engagement in dangerous, risky, and potentially self-damaging activities, unnecessarily and without regard for consequences; boredom proneness and thoughtless initiation of activities to counter boredom; lack of concern for one’s limitations and denial of the reality of personal danger.	Will take actions which they know are illegal or where they are likely to get caught just to get a sense of gratification from their abuse.

While there are many diagnostic tools for understanding ASPD, the author decided to choose the draft criteria for the DSM-V classification of the disorder. Assuming this is adopted, this paper will have more relevance to the current ways of understanding the relationship between ASPD and flame trolling.

The flame troller in this case was a man, who as aged 30, with a background in political activism. In 2003 he was among around 150 protesters in Cardiff who set fire to an American flag before holding a sit-down demonstration. His actions blocked one of the main routes into the city for around one and a half hours, “It is an illegal and inhumane war and I am hoping someone will take notice,” he said at the time, “There is a significant force of people against the war.” As can be seen in the following sections an interview with this flame troller found similarities between being a Hater troller and having a diagnosis of ASPD.

Motivation

In the context of flame trolling such individuals will often post defamatory personal information about others on web sites to support deliberate, repeated, and hostile behaviour in order to harm an individual or group (Dickerson, 2005). As presented in Table 1, hostility is described as, ‘Persistent or frequent angry feelings; anger or irritability in response to minor slights and insults; mean, nasty, or vengeful behaviour.’ This was evident in the Hater flame troller that was interviewed, “I have no need to prove myself or constantly boast of my academic achievements, of which there are quite a few,” he said, “I'm content in my life, just when I see a mentalist such as yourself trying to gain influence in my local area, I feel the need to do what little I can to stop you.”

The contradictory nature of such messages is typical among flame trollers who look to justify their actions. In this case, the user attacks the author for making an effort to make others aware of their academic achievements and then at the same time do the same with regards to their achievements. Equally, they describe the author as a ‘mentalist’ and then say they feel “the need to do what little (they) can to stop (the author).’ This suggests that they must also be a ‘mentalist’ as they appear to think that they have some ability or right to make judgements about others. This clear motivation to target someone showing characteristics that the flame troller objects to is common. Research has found that a lot of flame trolling is down to people objecting to the apparent disingenuous nature of online contributions, which are felt to be superficial (Walter et al., 2011).

It is been reported widely that flame trollers get a lot of satisfaction and gratification from harming others. This was apparent in the flame troller being interviewed who said, “It's more fun just winding you up and watching you go to be honest.” This is clearly identifiable in the potential DSM-V anti-social personality disorder characteristic of self-direction, which states suffers subject themselves to, ‘Goal-setting based on personal gratification; absence of pro-social internal standards associated with failure to conform to lawful or culturally normative ethical behaviour.’

Evidence was also demonstrated by the flame troller of having marked deficits in the area of intimacy. This is described by the proposed DSM-V classification as being an ‘Incapacity for mutually intimate relationships, as exploitation is a primary means of relating to others, including by deceit and coercion; use of dominance or intimidation to control others’. Such actions are quite clear among flame trollers, and some Hater Trollers will be some of the worst when it comes to their target. The troller in this study confirmed this anti-social approach, “I just prod you for fun”, he said, “helps pass the time

to be honest, between 'stacking shelves' for the biggest private employer of British workers." This comment makes it clear that Haters have a bond with their targets, which although anti-social is based on an intimate, yet abusive, situation.

Another key characteristic of the Hater is their manipulations to try to get their victim to go down a particular path so they can abuse them. This game of 'one-upmanship' seems to give these Snerts a sense of gravitation. The interviewee said in his engagements with the author, "Oh well, I'll take that as a victory for me....what's the score now, about 3 nil to me I think?" demonstrating a clear motivation to try to get 'one over' on their target. Indeed the DSM-V criteria for the 'manipulativeness' component of ASPD states clearly that those with it, 'frequent use of subterfuge to influence or control others; use of seduction, charm, glibness, or ingratiation to achieve one's ends.'

Vitriol

The Interviewee was invited to be in the author's 'circle of friends', which is a list of people one associates with on social networking services. This gave this Hater the ideal opportunity to be abusive, with them saying, "No, I don't want my reputation being tarnished by linking to your fantastical worldview." This is typical of people with ASPD, who the draft DSM-V criteria says have issues with 'identity' resulting in an unmet need for 'ego-centrism' and self-esteem which is derived from the abuse of power to achieve personal gain or pleasure. Whilst this Hater was involved in politics, unlike the author they had never had the confidence to stand for election. The Hater tried to project their lack of confidence and need for self-esteem, "You're a sociopath", he said, "It's why you're such a spectacular failure as a politician!"

The callousness in the Hater, identified in the draft DSM-V criteria was also evident. "You're just precious.. And hilarious to boot..." the troller said, "I can just keep pulling your little strings and it's like instant entertainment and gratification." This more than demonstrates the DSM-V criteria for callousness in which a lack of concern for others and their feelings and problems is a core feature. In the case of empathics in the 'Obligation' zone, they feel they must defend those in their group above others, even to the extent of harming others just because they are not in that group. As the proposed DSM-V criteria states, such actions result in a "lack of guilt or remorse about the negative or harmful effects of one's actions on others". For instance, at one point in his life the author struggled to get work resulting in him setting up his own business. Rather than sympathising with that fact this Hater said, "Get a job and actually do something useful with your life, you mentalist," which they probably meant work for someone else as they did.

Confidence Issues

One thing that is clear about Hater trollers is their lack of confidence, which results in them treating those with such confidence badly. Haters have an unrealistic idea of what it means to be important. Whereas one could be considered important for everyday reasons, like one's child knows one is important to them, or knowing that one is an important part of a social club, to Haters these are things to be scoffed at. In their minds people who are important are those who are in high profile elite walks of life, like sports or film. On this basis they judge themselves as not to be a success and therefore anyone they have a bond with who sees themselves as important cannot be successful if they are from the same social background. For instance, the Hater interviewed said, "Your confidence is hilarious

because your (sic) going to fail.” and that the author’s “areas of interest are irrelevant”, even though it is likely to the contrary that they respect them, but lacked the confidence to achieve them in their own right. The Hater will often try to assert the importance they feel they lack by attacking the very accomplishments they respect but don’t have. For instance the Hater interviewee said, “Why not stop masturbating with these degrees and deluded follies and actually contribute to society?” The interviewee had previously been offered a degree at a prestigious university but turned it down. He said, “Maybe one day you’ll make a good puff piece on the local news.....’local mentalist completes 47th degree’ sounds about right.”

Emotional Outbursts and Resentment

Common among Haters and those suffering ASPD is their impulsivity. In the case of the draft DSM-V criteria impulsivity is defined as, “acting on the spur of the moment in response to immediate stimuli; acting on a momentary basis without a plan or consideration of outcomes; difficulty establishing and following plans.”

There are numerous examples during the interview where the Hater resorted to impulsivity. In one instance he said, “you are a worthless little man, with a sense of false importance. Get a job and do something for society’s benefit, not just your own, you selfish mentalist.” This reinforces the fact that Haters dislike others who feel important, when they lack such self-importance due to unrealistic expectations. Their reference to “doing something for society’s benefit” seems to be a rote statement, as this troller seems to think working for someone else’s firm is greater contribution, which is likely to be them defending their lack of confidence to depend on their own efforts.

The impulsivity also took the form of the Hater trying to puff themselves up due to lack of accomplishment of the things they deem important which their target has but they do not. This Hater said, “*I was unconditionally offered a PhD (sic) placement, but instead choose to contribute to society, rather than masturbate my life away on deluded mentalist follies. But hey, to each his own. Shine on you crazy diamond!*” One can clearly read this as a lack of confidence in their abilities, which is characteristic of ASPD. For instance the draft DSM-V criteria says that a sufferer has “*lack of concern for (their) limitations and denial of the reality of personal danger.*” The clear “*boredom proneness*” characteristic of ASPD was evident, which shows that among some Haters, even the most conscious of their actions have thoughtless initiation of activities to counter boredom that can lead them to feel inadequate.

The draft DSM-V criteria for ASPD suggests that ‘*Deceitfulness*’ is an essential part of the condition. This can manifest itself though “Dishonesty and fraudulence; misrepresentation of self, embellishment or fabrication when relating events.” A couple of clear examples of this were evident in the comments of the flame troller being interviewed.

The Hater said, “I was unconditionally offered an undergraduate place at King’s College London for my undergraduate degree.”, “*it came really easy to me*”, and “*Maths, history, German, sciences, I aced them all.*” This proves the importance to the Hater of the very things they attacked the author for – academic accomplishment. The term Snert, used to describe a type of flame troller has a significant relevance here. Often the ‘Sn’ part can mean ‘Sexually Nerdish’ and the ‘ert’ part can mean ‘Egotistically Repressed Troll’. This is because the lack of self-worth in these flame trollers results in them getting entertainment out of attacking others with those things they value. These Haters will often find a way to justify why they lack such accomplishments. The interviewee in this study

for instance said, “I could not afford to live in Oxford, as I wasn't permitted to hold a part time job,” and also “I did not wish to burden my parents for too long, supporting me till I was 25/6, I wanted to pay my own way.”

Towards a Criminological Profiling of Internet Trollers using adequate Criminal Procedure

It is important to recognise that when an action can be labelled criminal that criminal procedure is not necessarily the best way of handling it (Wright, 2002). This applies particularly to those disputes arising out of social or personality issues (ibid). In most of Europe, the exercise of police powers requires a formal basis in the national police law or code of criminal procedure (Kruisbergen, de Jong, & Kleemans, 2011). The fact is however, that there will be cases in which it would make sense to prosecute flame trollers, especially where there has been particular harm to an individual. However, it is known worldwide that current criminal procedure forces defendants to remain in denial and does almost nothing to cultivate their expressions of remorse and apologies and victims' forgiveness (Bibas, 2012). In the case of Internet trollers with ASPD-like qualities this only furthers their willingness to abuse others. Indeed one notorious Internet troller, Sean Duffy has faced 18-week sentences on a number of occasions but no remorse for his actions. This suggests that something needs to happen in order to reform these deindividuated individuals, and one way is to use Criminal Procedure more effectively. This next section shows how this can be done using the People Continuum presented earlier in Figure 1.

The criminal justice system can be its own worst enemy. The laissez-faire approach to issuing arrests and cautions risks criminalising society – and for what purpose? Internet trolling can at its most brutal be devastating to those on the receiving end, but at other times applying the law can be seen to be extreme. The current rules that govern the conduct of the criminal justice system in Great Britain are based on a statutory instrument, Criminal Procedure Rules 2012. The overriding objective of this new code is that criminal cases be dealt with justly. The Preference continuum can show how it is possible to deal with a criminal case justly by taking account of the uniqueness of Internet trolling as compared to forensic investigations of other Internet phenomena. Table 2 presents concepts that can be used to implement the preference continuum so as to understand why people troll in the ways they do for a sustained period without change.

Acquitting the innocent and convicting the guilty

Looking at the preference continuum in Figure 1, one can see that it is possible to understand why people commit actions, which may be deemed as offences in certain societies. The lack of appreciation when someone abruptly ceases communications can cause traumatic 'phantasies' which need to be healed. The person will be driven to get closure to feel either important or appreciated to have a cathartic experience to deal with these traumatic memories. That may result in offences as severe as an unlawful killing of a person, through to a campaign of abuse using flame trolling. In understanding the distinction between those who are guilty of flame trolling and those who are not one might want to consider the cases of Azhar Ahmed and Justin Lee Collins where the former got a more serious sentence than the latter. The former had put a comment online that 'all soldiers should die and go to hell', whereas the other had taken part in a lengthy campaign of flame trolling against his ex-partner. The former got 240 hours of community

service whilst the latter only got 140 hours. One might argue that the former comment resembles free speech, no worse than one might hear on television, so the innocent were not acquitted in this context. One might ask whether the criminalising of people for exercising free speech would in fact reduce the extent to which someone is able to feel important and appreciate others, demonstrable by the Baron-Cohen effect. Could punishing people for free speech actually lead to greater flame trolling because of a resentment of authority?

If one considers the interviewee discussed earlier, who is quite clearly at the Turtle State, then one might say that because their flame trolling has been on an on-going basis and that it occurred on more than one occasion for the same reason, then it might fit within the Protection from Harassment Act 1997. But like the posts in the case of Reece Messer, is it really grossly offensive to post the remarks he has, such as saying Tom Daley let his late father down or is it that free speech of this kind should be expected by someone who has their own website and are therefore in the 'firing line?'

Table 2. Elements for Understanding the Preference Continuum

Element	Description	Description
The Baron-Cohen Gap	The gap between the furthest a user can be in terms of empathising to feel self-appreciative and the furthest they can be in terms of systemising to feel self-importance	The shorter the gap between maximum empathising and systemising the more likely to user is to be criminologically a Hater. Examples can include not recognising others worth or accomplishments and 'knocking' people.
The Turtle State	Where a user will convince themselves they are at their most optimal when really they are in a state of virtuality rather than reality	Such users go online to escape from the realities of their offline existence. They will feel more confident online and have more social interactions. They are at risk of being "brought down to earth."
The Phil J State	Where a user is at the maximum state of importance so that their confidence is so high no flame trolling can hurt them	Such users are nearly immune to flame trolling. Many will actually enjoy the attention from Haters as it gives them a sense of assurance of their worth that someone is taking the time to attack them.
The Pierce M State	Where a user is at their maximum state of appreciation so that their confidence is so high that no flame trolling can hurt them	People in this state will have so many online friends or followers that they will never be short of attention. Flame trollers might not like it if such persons appear arrogant, but these people can withstand such abuse.

Dealing with the prosecution and the defence fairly

The recent cases in Great Britain might lead one to question whether the Courts are in fact dealing with the protection and defence fairly within the law. In many cases it is clear to see that the society fallacy exists, which is the flawed assumption that the actions by or towards small groups can apply to or have affect on a wider population, or society. This contrasts with the ecological principle, which says that the commonly identifiable characteristics of a group can only be generalised within that group, in order to infer their individual differences, through isolating what is similar about them from what is dissimilar.

The judge in the case of Liam Stacey, John Charles, said the youth's comments were "vile and abhorrent," and directly to Stacey he said, "Your comments aggravated this

situation. I have no choice but to impose a custodial sentence to reflect the public outrage at what you have done.” Does this sound like a judge putting the individual circumstances of the defendant ahead of the society fallacy? In sentencing, the judge in the case of the youth, Matthew Woods said, “The reason for the sentence is the seriousness of the offence, the public outrage that has been caused and we felt there was no other sentence this court could have passed which conveys to you the abhorrence that many in society feel this crime should receive.” Does this sound like a judge able to look at the facts and not a non-existent self-referential population? And in the case of Anthony Gristock, the judge, Eleri Rees said she had to impose a prison sentence because of his “long-standing disrespect towards authority,” and her belief she has the right to assert her morals in regard to “overwhelming obligation of service to the community to protect homes and businesses where we live and work.” Again, does this sound like public official capable of separating personal morals from judicial interpretations of the law and facts?

In all these cases there was a huge media presence and public outcry at the actions of the youths, which were as minor as posting an offensive joke on a private Facebook page, to the posting of vile comments of a racist nature on Twitter for the whole world to see. One might ask whether the current judicial process in the UK is fair, if as in this case a perception of conflict of interest is evidence between the public duties of judges as administrators of the law and the perception of public interest created by the media and the people who consume it.

If one looks at the troller interviewed earlier, who persistently takes part in abusing others for their own gratification, can this compare to these one-off cases where actions were made in the heat of the moment with them being unlikely to be repeated?

Recognising the rights of a defendant, particularly those under Article 6 of the European Convention on Human Rights

Similar to these issues is the requirement under the criminal procedure rules for the defendant to have their rights under Article 6 of the European Convention on Human Rights recognised. This article in essence prescribes that a defendant should have a fair trial at the earliest opportunity. Part of this fair trial under the criminal procedure rules applies not only to the defendant, but others involved in the trial also. This includes a requirement for the court to respect the interests of witnesses, victims and jurors, such as by keeping them informed of the progress of the case.

In nearly all the cases mentioned above, with the notable exception of the case of Anthony Gristock, the cases did appear to following the criminal procedure rule of being dealt with efficiently and expeditiously, to a degree. Liam Stacey and Matthew Woods appeared in court within days of their so-called offences and were sentenced the same day. One might ask whether this was truly efficient however if there was no expert testimony from psychologists or other experts. If it were not possible to show that the defendants had the same psychological profile of the troller interviewed above, where they would likely be repeat offenders, is it fair that they be incarcerated for what may simply be a one-off error of judgement?

Could the fact that no experts were called as witnesses in these cases mean the trials fail to meet the information requirements of the criminal procedure rules? If there was no information on the defendants' psychological profile or the severity of their so-called offences, did the prosecution ensure that “appropriate information is available to the court when bail and sentence are considered?” Table 3 presents a number of concepts that

explain the way the preference continuum in Figure 1 might apply in the case of assessing the propensity of certain defendants to committing specific acts. This will be discussed in the following sub-sections.

Table 3. Mechanisms by which trolling behaviours are changed

Effect	Description	Description
Nonnecke Effect	Where a user rationalises into Stagnation to avoid criticism or flame trolling	Where a user is attacked from all sides, they may become lurkers or otherwise avoid interaction.
Bishop Effect	Where the users intellectualises out of Stagnation so as to increase participation	A user who has been a lurker can be convinced to take part if they feel persuaded their contributions will be welcomed among other factors.
Downes Effect	Where a user mediates towards Enhancement to feel more important	A user can through using language, terminology or other means make themselves feel unique and therefore important.
Siemens Effect	Where a user mediates towards Preservation to feel more appreciation	A user can, through promoting themselves in such a way to increase their post count and other metrics like kudospoints feel a greater sense of appreciation.
Powazek Effect	Where a user dismediates away from Enhancement	Where a user decides that they want more in life than control, status or other materialistic wealth. Can include starting to not mind things going off-topic or considering killing the community if a sysop, felling 'enough is enough' or 'nothing gold can stay.'
Maslow Effect	Where a user dismediates away from Preservation	Where a user decides they want to grow and experience 'self-actualisation' rather than remain in a comfortable position. Can include starting to found one's own communities, or playing a more active role in an existing one.

Taking account of the gravity of the offence alleged

In Great Britain recently there have been a number of potentially questionable judgements. In the case of Matthew Woods, he was sentenced to 12-days in prison for posting an offensive joke about a 5-year-old girl. However, perhaps in fairly, a premiership footballer, Rio Ferdinand, didn't even face legal action for making a racist comment against another footballer, Ashley Cole, calling him "choc ice", which is a racist term meaning black on the outside but white on the inside. It is therefore necessary to distinguish between what is "offensive" and what is "grossly offensive." The cases of DPP v Collins, DPP v Connolly and Chambers v DPP provide some idea of how to do this.


In the case of DPP v Collins the defendant was found to have sent an offensive message, even though the targets of the message did not receive it. The defendant had phoned their member of parliament's office and made remarks about "foreigners". The case found that as the ethnic minorities who were the target of the message would be grossly offended, then even if the recipient was not, the message is still grossly offensive. In the case of DPP v Connolly, the defendant had sent a number of pharmacists an image of an aborted foetus with a political message against abortion. The court found that as the pharmacists were likely to find the messages grossly offensive and they were the targets,

then it was grossly offensive. Had the recipient been an abortion surgeon, as they would not normally be grossly offended by the images they see each day, then in that instance it would not have been right to deem it grossly offensive. Finally in the case of *Chambers v DPP*, it was found that a message, such as a joke, is not grossly offensive where the recipients of the message do not suffer “apprehension” after reading it. Applying all these cases, a message can be seen to be grossly offensive where 'the individual or group that are its targets are likely to be grossly offended, even if they are not the recipients, providing that if they were the recipients, receiving the message would cause them apprehension'. In this case, Paul Chambers

If one considers the Hater trolling above, they made comments like, “You're a sociopath”, and, “It's why you're such a spectacular failure as a politician!” If one were a member of the public who had not been exposed to such vile comments, then these might be considered to be grossly offensive. But as one might expect a politician to be regularly exposed to vitriolic comments then such messages might not be considered grossly offensive, in the same way an abortion surgeon receiving a photograph of an aborted foetus might not be expected to be grossly offended.

Taking account of the complexity of what is in issue

An area where the British justice system could be seriously considered to be failing is in understanding the various complexities of Internet trolling offences. As we have seen above, youths are facing prison terms for simply posting offensive jokes. As one can see in Table 4 it is possible to gauge the severity of an act of flame trolling. A Trolling Magnitude (TM) of 1 reflects the in-the-moment trolling that is near impossible to protect against on social media or other platforms that allow social contact, known as ‘cyber-trolling’. A user who regularly takes part in this magnitude of trolling on different occasions and with different people can be seen to be engaging in cyber-bantering. An example in the case of classical trolling is going into an online community and posting an obviously out-of-place comment that would get inexperienced users to engage in a flame war – the clichéd example saying how great Apple are in a Microsoft forum. Examples of this are quite common today on the Yahoo! Answers social network. Any post that contains the text, “I am not trolling,” “I am not being a troll,” or similar is likely to be classical trolling with a TM of 1. A specific example is the post in Figure 2, which asked for help on being angry about an event in first grade, saying, “*I'm not crazy... maybe I am... but I'm not trolling here, I legitimately want to kill this motherf**ker.*”



Till
Lindemann
is God

Open Question

Show me another »

Why am I still so angry about something that happened in 1st grade?

I'm not crazy... maybe I am... but I'm not trolling here, I legitimately want to kill this motherf**ker.

Anyways, have you ever just been sitting around, thinking about when you were a small child and then suddenly memories, as clear as day, pop out at you? You just remember every single small detail about these odd memories?

Yes, well, earlier today, I was thinking about when I was in 1st grade (I'm in 9th grade now, this was back when I was about 6 or 7 I think) and I suddenly remembered the time when I went to this school for a few weeks, apparently only rich hippies sent their kids there (i.e why I only stayed there for a few weeks, focking school fees, huh?), and there was this one blonde kid I knew.

The most prolific troller on Yahoo! Answers went by the name of 'Phil J,' who it has been reported would tell stories of how his girlfriend would defecate on him. He usually ended his trolling with the comment, "*it was a lot more erotic than I expected.*"

In terms of Anonymous the most talked about example in the UK was the trolling of Tom Daley by Reece Messer. In this instance Tom Daley, an Olympic diver, has failed to secure a medal at the London Olympics by a small margin. Reece Messer, who used the pseudonym 'riley_69,' said to him that he had let his father down by not securing a medal. This was a reference to the fact that Daley's father had died. It was said in the spur of the moment, and whilst offensive one might question whether Messer being arrested and being forced to accept an harassment warning was proportionate.

The next, with a TM of 2 reflects a more aware form of cyber-trolling, where the user knows they are either being abusive or provocative. It is called 'cybertrickery' because the user is like a Trickster in world tribes, who purposely winds up others (Campbell, Fletcher, & Greenhill, 2002; Campbell, Fletcher, & Greenhill, 2009).

In the case of classical trolling this will involve people, often in the spur of the moment, deciding to cause havoc in a community which they are not already a member or an existing one. One of the most popular places to do this was the Temple of the Screaming Electron (www.totse.com) website. This website engaged in subversive humour long before it became a mainstream practice, following 4chan.org being hijacked by Anonymous. The website would engage in topics such as outlawing drug production, making home-made bombs, erotica and "the conspiracy of ugly and stupid people (Farren, 2010). It gained a reputation for giving inappropriate answers to questions asking for 'advice.' For instance, attention seekers, known as 'Rippers' (Bishop, 2013), would go on the website asking for advice on how to solve a problem in their life. The answer would often be "m/s" (i.e. murder/suicide). A discussion would then ensue on how to do it, with the Ripper finding lots of reasons not to. It became a mutual 'stroking' of the mind, somewhat like a ritual. If the Ripper came off the worst they would say they were only "trolling" – a style of writing called 'cry trolling.'

In the case of Anonymous trolling an episode of trolling at a TM of 2 might not necessarily have been intended, but is carried out with the poster knowing they are being abusive. This compares with a TM of 1, where the person may not intend to be offensive. A classical example is that of Liam Stacey, who posted abusive comments on Twitter,

become one of the first high profile cases of Anonymous trolling. Stacey posted a comment joking that Fabrice Muamba, a UK premiership footballer, had died when he suffered a cardiac arrest. When people confronted him he became abusive, posting racist comments. He was sentenced to 56-days in prison and suspended from the university where he was a student.

Table 4. The Trolling Magnitude Scale with examples

Type	Description	Classical Trolling	Anonymous Trolling
TM1 – Playtime Cyber-bantering (Cyber-trolling)	In the moment and quickly regret	This type of classical trolling is often in the moment, or otherwise intended to give the troller and others a laugh as close to the point that the troller thought of their ‘gag’. Contemporary outlets for this type of cyber-bantering include Yahoo Answers. Questions where the user protests they are not trolling usually are. The most prolific troller on Yahoo! Answers was known as ‘Phil J’ and always wound people up with his sick stories usually ending with "...it was a lot more erotic than I expected."	Reece Messer posted a tweet to Tom Daley, an Olympic diver, saying that he let his late father down by not getting a medal. When others attacked him following Tom Daley retweeting it, resulting in his followers setting upon Messer, he apologised, but this dignified and honest apology was not accepted, resulting in non-credible threats being made. Another example was that of Paul Chambers who posted a message on Twitter joking that if an airport did not open he would blow it up.
2 Tactical TM2 – Cyber-trickery (Cyber-trolling)	In the moment but don’t regret and continue	Popular ‘subversive’ websites like ‘Temple of the Screaming Electron’ (www.totse.com) would often have people go on there to ask for ‘advice’. The typical response would be ‘m/s’ (i.e. murder/suicide). A discussion might ensue on how to do this.	Liam Stacey posted a tweet mocking the fact that Fabrice Muamba, a premiership footballer, had collapsed with a cardiac arrest. When others challenged him over this he became abusive, posting racist comments. It is likely he knew he was being offensive, but did not stop doing so.

<p>TM3 – Strategic Cyber-bullying (Cyber-stalking)</p>	<p>Go out of way to cause problems, but without a sustained and planned long-term campaign</p>	<p>Jake Baker was a student at the University of Michigan. He was suspended following posting a story to alt.sex.stories, which had graphic depictions of rape and murder of a woman he said was his classmate. With a Canadian friend Arthur Gonda he would share abusive posts about women, which they never received. The person who was the 'victim' in the stories, Jane Doe, was only aware when charges were brought against Baker.</p>	<p>An unnamed troller was given a caution for abusing Bridget Agar, who was a mother of a child who died in a scooter accident. The youth posted messages on a fake Facebook page named after the child, such as “Mum, I’m not really dead. I’m sat at the computer, I just ran away” and “I’ve gone to hell’.” The troller was forced to accept a harassment warning, and their identity was not revealed to Mrs gar.</p>
<p>TM4 – Domination Cyber-hickery (Cyber-stalking)</p>	<p>Goes out of the way to create rich media to target one or more specific individuals</p>	<p>The “case of the electronic lover” was one of the most documented forms of cyberhickery. Alexander was a psychiatrist from New York and posted to a chatroom under the name of Joan. He convinced women he was a woman and they opened up to him even having ‘lesbian’ cybersex. He portrayed Joan as having a disability, but was forced to come clean when others insisted on meeting him – as Joan, which he couldn’t do.</p>	<p>Sean Duffy could be considered to be one of the most prolific of flame trollers in the world. Even though he is continually sentenced to jail, he goes out of his way to 'vandalise' the memorial pages of grieving families. In one instance he went to the effort of making a video, called 'Tasha the Tank Engine' to upset the family of the late teenager, Natasha MacBryde.</p>

A Trolling Magnitude in the ranges of 3 and 4 reflect ‘cyber-stalking.’ This is where the person goes beyond a single instance of trolling and creates a ‘course of conduct’ where they target an individual or group. A TM in the range of 3 represents ‘cyber-bullying.’ This is where a person targets an individual on an opportune basis without going out of their way to troll them. As the case of DPP v Collins [2006] 1 WLR 2223 found, cyber-bullying need not always be done by one person towards another, as its mere existence could be offensive if the person found out. In terms of classical trolling, the most notable instance was the case of Jake Baker. As explained by Wallace (1999), Jake Baker, who was a student at the University of Michigan, would engage in conversations with a Canadian friend on the topic of abuse towards women – calling them “bitches.” Baker was charged with an offense for making these comments, but this was later thrown out by the District Court for being unconstitutional. The fact that Jane Doe, who the made-up stories were about, only found out about the messages as a result of the case was criticised. If one were to apply the UK case, DPP v Connolly [2007] EWHC 237 (Admin), then it

could be seen that as the messages were between Baker and his friend for their use only, then they should not be deemed grossly offensive even though they would have been a TM of 3 if they had been seen by the subject of them.

Someone has reached a TM in the range of 4 if they purposely go out of their way to target an individual or group. This form of ‘cyber-stalking’ is called ‘cyberhickery.’ It is so named from combining cyber- with ‘trickery’ and ‘hickory’ – the latter being a stick used by experienced ‘elders’ to attack people with. The most notable form of classical cyberhickery was the “case of the electronic lover.” As explained by Wallace (1999) and summarised in Table 4, this was a prominent case of deception and ‘gender-bending,’ where a man (Alex) posed as a woman (Joan) in order to gain the trust of other women for his own enjoyment. Alex came clean when the women wanted to meet up with him, but in many cases sex predators, often called ‘chatroom bobs’ (Bishop, 2012d; Bishop, 2013; Jansen & James, 1995) can use this type of trolling to seduce others in going beyond online chats to groom them so they can abuse them offline. The most spoken about form of Anonymous trolling in the form of cyber hickery was that of Sean Duffy. As explained in Table 4, he would target any number of individuals or groups that set up memorial pages to remember their deceased loved ones, called ‘R.I.P trolling’. According to Walter et al. (2011) this is because R.I.P trolling is done by people who are disgusted by the number of people who ‘jump on the bandwagon’ by showing grief for people they never knew.

Taking account of the severity of the consequences for the defendant and others affected

It is clear that judicial figures will have to always act in the public interest and determining this is not easy task. Valuing in the public interest is complex because most decisions create both winners and losers among the public (Julnes, 2012). Applying the public interest in the case of electronic message faults has come to the forefront following a number of suicides relating to Internet use (Navarro & Jasinski, 2012).

One might question whether this balance has been met in relation to Internet trolling, especially if one considers the outcomes in recent high profile cases. Take Liam Stacey as an example. Stacey was a 21-year-old student when he committed his EMF, which was posting a barrage of racist abuse on Twitter. Stacey made the posts when drunk, following posting an offensive comment about a footballer who collapsed of a cardiac arrest, Fabrice Muamba. Using the different types of effects and magnitudes in Tables 3 and 4, the relevance of this case becomes clear. When Stacey posted his offensive comment about Fabrice Muamba, he was in a Playtime mode where he had experienced the Downs Effect driving him to do something he perceived as novel and original. When he was attacked by others he went to Strategic trolling, after experiencing the Siemens Effect where he tried to justify his actions by becoming more abusive of those who attacked him.

Stacey was reported to the police by many members of the public, including footballer Stan Collymore, who had been involved in the posting of an EMF many years earlier in the form of sexual text messages (i.e. sexts) to a couple. Stacey was sentenced to 56-days in jail for his TMF. The judge, John Charles, was reported by ITV News as saying about Stacey, “He must face the consequences of his actions and he had done untold harm to his career.” One might argue that it was in fact the judge and the prosecution that did untold harm to Stacey's career, by not taking account of the effect the ruling would have on his career, which in normal circumstances when he was not drunk, he would not make the

remarks. The Welsh Government will have spent a lot of money on Stacey's education and to make it nearly impossible for him to realise that education makes one wonder whether John Charles truly acted in the public interest or decided the way he did because of public pressure.

Taking account of the needs of other cases

When determining the use of police resources, it is essential that they are used to act in the public interest and not the expediency or bias of police officials against minority groups. This is not always possible, and often the treatment of fellow public service workers by the police is often more favourable than the civilians they target the most. For instance, it was reported in the Daily Telegraph that in Scotland there were at least 20 cases of emergency service staff who were disciplined for “inappropriate” use of social networking services. The newspaper reported that in Fife Constabulary said a special constable resigned before misconduct proceedings after disclosing information about police activity on the youth social networking website Bebo. And on another occasion, four male and two female police officers received diversity awareness training after inappropriate comments on Bebo about senior officers.

With public figures like these on the payroll of the police being let off through no prosecutions being brought, one might ask if the police are applying this part of the criminal procedure fairly. The Aberdeen Evening Express reported that between 2010 and 2012 the Scottish Grampian Police Force recorded 97 incidents of trolling, which included for breach of the peace by members of the public. One might question whether 'blue-collar crime' like this among ordinary people should be treated as a higher priority than the 'white-collar crime' committed by police officers whose salaries are paid by the tax payer. Should people who are paid to enforce the law be allowed to break it without feeling the full force of it themselves? On this basis, if the police are not willing to bring prosecutions against one of their own, then are they really 'taking account of the needs of other cases' where more serious injuries, whether physical or mental, are made to the public yet go unprosecuted?

Discussion and Conclusion

Internet trolling as a term has evolved significantly in recent years. It has gone from a term meaning to post provocative messages to including all types of offensive messages. The term 'trolling' is now commonly used to describe the posting of any message designed to provoke a reaction. This has its difficulties. For instance, one might argue that most messages on Facebook, Twitter or Reddit are posted to get someone to respond to them or otherwise be provoked into reading them. One might see these messages no differently to an overture in a pub. It is therefore helpful to distinguish those messages designed to harm others, which is called flame trolling, from that which is designed to please them, called kudos trolling.

An important next step following identifying which pieces of trolling are offensive and which are not is trying to understand why some of the most prolific trollers act the way they do. This paper has presented an interview with a type of troller known as a 'hater' whose interview transcripts were compared against the proposed diagnostic criteria for anti-social personality disorder. It found that on nearly all the criteria there was evidence to support the claim that the psychopathy of Internet trollers resembles those with personality disorders.

The study has shown that there are a number of key characteristics among this type of troller, known as a 'Hater.' These Haters usually have a high expectation of what it means to be successful, which is higher than they are able to attain. This results in them resenting others who think they are successful but whom fall below their standards. It also results in them showing resentment to those with a similar background to them who achieve successes they are unable or unwilling to. Notably in this study, the Hater resented the fact that the author-participant had a high regard for his degrees, when the Hater had applied for, but never taken to risk of going onto the degree programmes they were offered. It might be that Haters have average abilities, and thus being demotic. Their resentment of those who excel from being Hi-Functioning Empathics or Hi-Functioning Autistics, seek to confirm their sense of lack of worth, resulting from them wanting to be the best at everything and instead being the best at nothing. The psychotic and neurotic symptoms they should could therefore be an outcome of a failure to choose between excelling in life as an empathic, or indeed as an autistic. This should not be seen as their fault, but a result of a highly demanding society unlike anything humans have had to do in the previous 200,000 years of existence. One might argue the only long-term solution to this form of psychopathy is for neuroscientists to force the evolution of the brain. It is clear that being both empathic and autistic has its advantages. If humans could choose, for instance, to be autistic whilst studying, and empathic while socialising, then many of the miscommunication that occurs among autistics, empathics and demotics could be as trivial as knowing whether to kiss someone on the cheek, shake their hand, or nod ones head as equals.

It is found that there are serious problems with the application of the criminal justice system in relation to the cases of Internet trolls, which seem to be based more on what the public is interested (i.e. “trolls”) than the public interest at large. Indeed on nearly all stages of the criminal procedure rules, there is clear evidence of shortcomings in the way the authorities deal with Internet trolls. In terms of 'acquitting the innocent and convicting the guilty,' it is clear that some people are “more guilty” than others. In other words the current legal system resembles a pre-Henry II legal system where decisions are not based on precedence but expedience. This has resulted in unfair outcomes where in virtually identical situations people have been treated completely differently by the authorities.

However, it is clear that if instruments like the 'Trolling Magnitude Scale' are adopted, then it will make it easier for the police and other law enforcement authorities to prioritise who is prosecuted in an objective way, rather than feel obligated to take action when it may not be in the public interest to do so. The preference continuum can also be helpful in ensuring fair outcomes, as it will make it easier to see what it was driving a particular person to take a particular action in a particular situation.

It is clear that the situation as it stands is unsatisfactory. Perpetual trolls like the one interviewed, who have grudges against certain people have no action taken against them, whereas those who make offensive jokes in the moment feel the full force of the law because of “public outcry.” The law enforcement authorities need to get a grip, and take action against flame trolls only when set thresholds are met and not in response to media-led public opinion.

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