

**BRINGING VIRTUAL BULLIES TO JUSTICE:
A COMPARATIVE LOOK AT CANADIAN AND AMERICAN
APPROACHES TO CYBERBULLYING LAW**

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ABSTRACT

Legal systems the world round have long struggled to effectively combat bullying in schoolyards, work environments, and social settings. As if the issue wasn't difficult enough, the advent of increased cyberbullying has further compounded its legal management. This short paper explores the comparative approaches used in Canada and the United States (US) to allow for legal recourse to virtual persecution. Issues at play include the tug-of-war between freedom of speech and harassment, common law versus statutory remedies, and an increased need for focus on enforcement. Canadian strategy leaves much responsibility in the hands of school administrators, while constitutional limiting cyberbullying litigation absent clear threats. US jurisprudence is not altogether different, in carefully balancing constitutional rights to freedom of expression with threatening and harassing statements. The piece closes with a call for increased enforcement measures of current laws, in lieu of legal creation.

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