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# How civil judgments should focus on mental harm in school bullying cases

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## KEYWORDS

school bullying, civil judgment, empathy, mental damage compensation, mental harm

## 1 Introduction

According to Article 130 of Law of the People's Republic of China on the Protection of Minors (2024 Amendment), school bullying refers to behaviors between students in which one party deliberately or maliciously bullies or insults the other through physical, verbal, cyber, and other methods, causing personal injury, property loss, or mental distress to the targeted party. Based on its form and underlying motivations, school bullying can be categorized into direct bullying and indirect bullying. Direct bullying involves relatively overt attacks that can cause immediate physical or emotional harm to the victim or their property. Common forms include physical bullying (such as hitting, kicking, and pushing) and verbal bullying or harassment (such as name-calling, mocking, threatening, or malicious teasing; [Dupper, 2013](#)). Indirect bullying, also known as relational bullying, is characterized by social exclusion and peer isolation, and includes behaviors such as spreading rumors, manipulating friendships, and deliberately ostracizing others ([Shen and Jia, 2017](#)).

Whether direct or indirect, school bullying constitutes a form of exploitation ([Suski, 2017](#)). Unlike general injurious behaviors among students, the bullying degrades the self-esteem and confidence of the bullied, placing the victim at risk of suffering from severe mental health issues and psychological disorders that are difficult to recover from. Victims of bullying show similar physical and mental symptoms to that of abused children, including sleeping disorder, enuresis, abdominal pain, anxiety, loneliness, and high level of fear for personal safety. Also, they are prone to low self-esteem, depression, and suicidal ideation ([Roland, 2002](#)). Low school attendance and high drop-out rates caused by these mental disorders deprive victims of bullying of the right to education. In 2020, the Work Program to Explore Specialized Services for the Prevention and Treatment of Depression listed adolescents as a key care group, and, in 2023, the Special Action Plan for Comprehensively Strengthening and Improving Students' Mental Health Work in the New Era (2023–2025) outlined eight key tasks to safeguard the mental health of adolescents. These measures reflect the increasingly high attention that adolescents' mental health is receiving from the Chinese government. Bullying also violates the rights of personality of the victim. Health is the foundation for the realization of all rights, and the mental harm suffered by victims of bullying undoubtedly damages this foundation. Given the special vulnerability of children and adolescents during their formative years, their mental health requires even more care and attention ([Wu, 2013](#)). Therefore, in the context of efforts to address school bullying, it is necessary to place greater emphasis on the mental harm suffered by adolescents and the relevant remedies.

Civil litigation is an important means for victims of bullying to seek redress. In school bullying civil cases in China, cases involving mental harm account for as high as 74.4%, while cases involving infringements on general personality rights, reputation rights, and

privacy rights make up 77% (Chen, 2023). The tort nature of school bullying and the private prosecution nature of civil cases provide a relatively easy path for victims to seek legal remedy (Yang and Tao, 2013). Under China's civil law system, when an act of bullying causes harm to the victim, the victim may initiate a tort action to hold the bully and—where fault exists—the school jointly liable for civil damages. If the bully is a person with no capacity for civil conduct (under the age of 8 years) or with limited capacity for civil conduct (between the ages of 8 and 18 years), the guardian shall bear the liability for compensation. Such liability for compensation includes tort damages arising from physical or mental harm suffered by the victim of bullying (primarily personal injury compensation, such as disability subsidies and medical expenses) as well as compensation for mental distress. Among these, compensation for psychological damage, in the form of monetary compensation, serves to both compensate and provide solace (Shi, 2019), making it an important means of addressing the mental harm suffered by victims of bullying. The remedy of compensation for mental harm epitomizes the legal safeguarding of adolescents' mental wellbeing and, to a certain extent, facilitates the restoration of their personal dignity. Therefore, when hearing bullying cases and adjudicating claims for compensation for mental harm, judges' attention to the mental harm experienced by the victim of bullying will directly affect the legal remedies determined and the damages awarded.

It is important to note that the severity of mental harm caused by school bullying can be broadly categorized into three levels, from mild to severe, in the following order: emotional effects or emotional distress (e.g., feelings of discomfort or unhappiness); psychological harm (e.g., symptoms of depression, anxiety, or panic); and diagnosable psychopathology (e.g., clinically recognized conditions such as major depressive disorder or schizophrenia). Although the U.S. Centers for Disease Control and Prevention (CDCP) have identified school bullying as a major public health concern, not all victims exhibit severe psychological damage, and not all degrees of such damage reach the threshold for initiating civil litigation. Accordingly, the term “mental harm” or “psychological damage” as used in this article refers specifically to actionable forms of mental impairment, namely, psychological harm and diagnosable psychopathology.

## 2 Propensity of victims of bullying to mental harm and judges' cognitive bias

Before discussing the compensation of mental damage, it is necessary to understand the level of importance that victims and judges place on mental harm.

### 2.1 Chinese adolescents' emphasis on mental harm stems mainly from cultural traditions

Owing to the influence of their traditional culture, Chinese adolescents tend to be highly concerned about their personal image and reputation from a very young age. The sense of shame

engrained in Chinese culture and Confucianism's emphasis on “face” (Zhai, 2016) makes teenagers acutely focused on factors such as their image among their peers, their identity, honor, and the opinions of others (Yang and Yu, 2008). Given this, a single public humiliation is enough to cause the victim to lose face and confidence in his or her peer environment. When bullying occurs, the meticulously constructed personal image of children is undermined, prompting victims to employ various strategies to restore their social standing among peers in an effort to reclaim lost face. Consequently, this pursuit often exacerbates their psychological distress.

The coercive deprivation of personal liberty and humiliating infringement upon human dignity inherent in bullying behavior can catastrophically undermine adolescents' self-identity and intrinsic self-worth, precipitating the progressive disintegration of their psychological defense mechanisms. Schools are miniature societies in which students are in contact with the same group of people every day for most of the year—a world of their own from which adults are excluded (Yu and Liang, 2024). In this setting, they are more concerned about the evaluations of their peers and personal reputations; they avoid being belittled and insulted, and go to great lengths to maintain their status among their peers. Accordingly, they are highly sensitive to psychological harm and insults to their dignity, and are more in need of comfort at the spiritual or psychological levels.

### 2.2 Judicial practice on compensation for mental harm

Existing literature suggests that current judicial practice in China places relatively limited emphasis on mental harm claims, with the awarded amounts of compensation for mental harm remaining low. One researcher analyzed 151 civil cases involving school bullying and found that only 25 of them included awards to remedy emotional harm (Song, 2025). Another study examined 216 civil and administrative cases and concluded that both the rate of judicial support for mental harm compensation and the amount awarded remain insufficient and require improvement (Dou, 2025). From an empirical perspective, in a previous study, the author conducted descriptive statistical and regression analyses on a sample of 136 civil cases related to school bullying on China Judgments Online, to analyze physical and mental harm, total compensation, and mental harm compensation. The results show that the victims demanded higher compensation for mental harm, but received less than the amount claimed. The total compensation has a positive correlation with the severity of physical damage, but is less correlated with mental harm; The amount of compensation for mental harm is significantly higher when the psychological harm is severe (Chen, 2024). Furthermore, many cases in the sample exhibit a clear inconsistency between the amount of compensation awarded for mental harm and the actual severity of the mental harm. For example, RMB 3,000 was awarded in cases involving post-traumatic stress disorder (PTSD; Civil Judgment No. 42266, 2019) or schizophrenia (Civil Judgment No. 4608, 2018), while the compensation amounts for psychological headaches (Civil Judgment No. 2641, 2018) and fear or anxiety

(Civil Judgment No. 71079, 2016) were nearly identical, 4,000 and 5,000 yuan respectively.

## 2.3 Judges are cognitively biased regarding mental harm

The above findings indicate that in school bullying cases, judges tend to place insufficient emphasis on mental harm relative to physical injury, and they may even exhibit cognitive bias in their assessment. Historically, based on their traditional judicial trial experience, judges have handled cases of school bullying as if they were ordinary school injury cases (Chen, 2020), e.g., by conducting judicial appraisals of physical and mental harm and determining the amount of compensation in accordance with the Standard for Compensation for Personal Injuries. However, this criterion predominantly focuses on organic impairments, demonstrating a mere 12% recognition rate for psychiatric injuries such as PTSD and adjustment disorders. In adjudicating compensation for mental harm, judges predominantly premise their determinations on the diagnosed presence of mental disorders in the victim of bullying. As a result, judges recognize perceivable, tangible physical bullying and threats more while significantly overlooking the mental harm caused by verbal bullying, coercion, and hurtful teasing of the victim. Some bullying behaviors—viewed as “just a harmless joke” in the eyes of some adults—can leave an indelible mark on the victim’s psyche, yet have not received enough attention from judges.

At the same time, the judicial practice of measuring the severity of damage based on the level of disability also allows judges to neglect mental disorders and psychological crises that are not formally covered by clinical medicine. Strict adherence to evaluation results means that some cases that may seem very serious even from a psychologist’s perspective may not necessarily be recognized in the ruling. For instance, some victims of bullying who are diagnosed with depressive tendencies or depression may be unable to obtain compensation for mental harm, or receive only minimal amounts, in judicial rulings owing to failure to meet the criteria for psychological injury in forensic evaluations. According to statistical data from the China Judicial Big Data Research Institute in 2022, the consequences of school bullying, such as depression and anxiety, are mostly categorized as “minor mental harm,” with compensation amounts generally being <5,000 yuan.

However, the damage that the law aims to remedy should not be restricted only to severe mental illnesses. Victims of bullying who have not suffered this threshold level of mental harm still suffer meaningful psychological and emotional harm, which should not be disregarded as insignificant or nonexistent. In particular, among adolescents undergoing physical and psychological development, even low-severity mental injury can result in prolonged distress and sleep disorders. Scientific research indicates that mental harm not only directly threatens the mental health of victims of bullying, but also causes them to miss classes or suspend their studies owing to issues such as emotional distress, anxiety, depression, and fear (Nishina et al., 2005). However, these psychological and emotional issues have not received adequate attention from adjudicators.

Certainly, the challenges faced by judges in the impartial assessment of mental harm are, to some extent, attributable

to China’s judicial adjudication system and the knowledge base of judges. In China, whether in criminal or civil cases, judges exercise considerable restraint when determining the amount of compensation for mental damages, with high-value awards being exceptionally rare. Compensation amounts that may reach tens of thousands in jurisdictions such as Japan or the United States are scarcely encountered in Chinese judicial practice. Moreover, judges possess limited understanding of psychology, and specialized training in this field is seldom provided.

## 3 Considerations in the judgment of civil cases involving school bullying

As evidenced by the preceding analysis, Chinese children place significant emphasis on their social image among peers, rendering them particularly vulnerable to psychological distress when subjected to bullying. They exhibit a stronger desire for social support and recognition of their emotional injuries. However, judicial practitioners in China have demonstrated insufficient attention to minors’ claims for psychological damage compensation, coupled with problematic conceptualizations of mental harm. To effectively safeguard adolescents’ rights and promote their healthy development, it is imperative for judges to modify their adjudicatory approach in civil cases regarding juvenile protection.

### 3.1 Judges need to have a stronger sense of empathy when dealing with cases of bullying

Human emotions are incredibly complex, and the personal emotions of judges may be combined with factors such as their intuition, instinct, and beliefs to influence judicial decisions. Although justice tends to be perceived as an extremely rational and impersonal process, the presence of both reason and emotion should be acknowledged in judicial decision-making; furthermore, emotions need not necessarily be in opposition to reason. Emotions can also play a positive role in the judgment process, leading to better decisions (Zhang, 2017). When discussing justice, if we are to exclude personal preferences, values, and beliefs, then the principle of empathetic justice—i.e., thinking from another’s perspective and showing compassion—can certainly fulfill this role (Du, 2017).

Empathy is an emotional response to the feelings of others; it is the ability to imagine oneself in another’s situation and understand their emotions, desires, thoughts, and actions. In the context of judicial decision-making, empathy is “an emotional mechanism that generates and shapes the individual sense of justice of a judge (Zhang, 2017)”. Being compassionate and imaginative are important qualities of an ideal judge (Leiter, 2004). Accordingly, emphasizing empathetic justice for judges in school bullying cases will help judges make careful and comprehensive decisions based on the complex facts of individual cases.

Responding empathetically to the plight of a victim of bullying helps to compensate for the drawbacks of dominating anti-bullying work from an adult perspective. Some matters that adults may

consider “no big deal” can be extremely important from a child’s perspective. For instance, in a class activity, leader A might deliberately exclude B or speak ill of B behind their back. Examining the bullying case overall from the victim’s perspective would allow the judge to form a reasonable perception of the subjective viciousness, specific situation, and unique feelings at play to obtain the bigger picture. Furthermore, imagining oneself in another’s position also helps to understand the mindset and situation of the victim of bullying, thereby increasing the judge’s attention to mental harm. The fundamental mode of thinking in jurisprudence is more of an experiential and insightful form of thinking, one that involves putting oneself in another’s position (Yao, 2014).

Emphasizing empathy-based justice in school bullying cases serves as a corrective to the current mechanization of judicial decision-making. It prompts judges to take account of the unique characteristics and vulnerabilities of minors to pursue individualized justice, without compromising judicial neutrality. In China’s judicial practice, compensation for mental harm is an area where judges retain relatively broad discretion. It is precisely this discretion that contributes to the phenomenon discussed above, whereby compensation amounts remain similar despite substantial differences in the severity of mental harm. Achieving fairness within judicial discretion requires not only rational legal reasoning, but also emotional capacities such as sympathy, compassion, and anger, which may enhance sensitivity to injustice and motivate action in pursuit of justice (Du and Bai, 2024). This is because sense of justice is a form of moral emotion. Its primary source may not lie in rational deliberation, but rather in intuitive emotional responses. Just as civil judges may feel aversion toward debtors who unjustifiably deny their obligations and criminal judges may experience anger toward those who commit crimes, judges presiding over school bullying cases may likewise feel both anger and compassion in response to bullying behavior. Encouraging judges to acknowledge and confront their own capacity for empathy may help them reflect on their underlying moral commitments. In doing so, they can adopt a more comprehensive perspective in assessing the impact of bullying and consider how such reasonable emotions may be integrated into legally grounded judgments.

It is worth noting that an emphasis on empathy in adjudication may be hindered by the institutional pressures of case management. In China, the heavy caseload burden at the grassroots court level is one of the key factors contributing to the mechanization of judicial decision-making (e.g., judges at the Chaoyang District People’s Court in Beijing handle ~300 cases per year, on average). Such overwhelming case pressure makes it difficult for judges to devote sufficient time to considering the psychological and emotional claims of individual litigants. Under the adjudicative principle of “seeking truth from facts and taking the law as the criterion”, judges are generally expected to establish facts and apply legal norms without considering extraneous factors. Therefore, if empathy is to serve as a bridge toward achieving individualized justice, it is necessary to first cultivate and develop judges’ capacity for empathy and nurture their sense of justice. Specifically in the context of school bullying cases, knowledge of school education system can help judges better understand the structure of school institutions and the dynamics of student interactions, while training in

psychology can enhance their understanding of adolescents’ mental characteristics and psychological mechanisms, thereby enabling more accurate assessment of how varying degrees of mental harm may affect victims.

### 3.2 The bullying victim’s compensation claim for mental harm

According to China’s Civil Code, school bullying is inherently a violation of personality rights. Specifically, physical bullying such as intentional harm and sexual harassment primarily infringes upon concrete personality rights, including the right to bodily integrity, health, and life. Meanwhile, bullying methods involving humiliation—such as verbal bullying, indirect bullying, and public physical bullying—violate the victim’s rights to reputation and privacy, as well as the general personality right related to human dignity. Analysis of publicly reported cases of school bullying shows that a key characteristic of such behavior is humiliation and torment—often not necessarily to damage the victim’s reputation or privacy, but simply for amusement, deriving pleasure from the victim’s fear and distress. Therefore, in terms of the type of rights violated, school bullying predominantly constitutes an infringement on an individual’s personal dignity.

Personal dignity refers to a civil subject’s independent enjoyment of their personality and equal legal standing, including the right to be free from domination, discrimination, harm, and interference. Given the particular vulnerabilities of children and adolescents in their developmental stages, their psychological and emotional wellbeing requires greater care and attention. The children and adolescents place heightened importance on personal dignity—what Chinese culture often refers to as “face” (面子)—and the law affords stronger protection to the dignity of minors. China’s “Teachers Law” and “Compulsory Education Law” both emphasize “respecting students’ personal dignity”, while the “Law on the Protection of Minors” also highlights the protection of “the personal dignity of minors”. Therefore, in civil adjudication concerning school bullying, greater emphasis should be placed on safeguarding and providing remedies for the personal dignity of victims, rather than merely defining and assessing the harm of bullying from the perspective of rights to health and life.

In practice, victims of bullying seek remedies for violations of their personal dignity in primarily two ways. First, driven by resentment and anger toward the perpetrator, they demand acknowledgment of wrongdoing and appropriate compensation. Second, because the bullying may have caused psychological harm or even mental illness, they require financial coverage for counseling or medical treatment. In other words, victims exhibit both objective needs (treatment for psychological or psychiatric conditions) and subjective demands (emotional restitution). Consequently, remedies for infringements of their personality rights must encompass both consolation and material compensation. Compensation for mental harm serves as both remedy for victims and sanction for perpetrators, fulfilling dual functions of compensation and consolation. Although money cannot directly repair mental harm, it can bring the victim



emotional pleasure and psychological satisfaction through the purchase of goods or services. It can also serve a compensatory function by covering the costs of psychological counseling or treatment for mental harm, thereby reducing the financial burden on victims and their families arising from therapy and mental health support. The function of consolation is achieved by enhancing the victim's monetary-based sense of satisfaction. When the victim is aware that the perpetrator has been subjected to a financial penalty, their resentment is assuaged and their desire for revenge may be alleviated (Wang, 2013). Therefore, through compensation for mental harm, victims may experience a sense of justice being upheld and their rights being vindicated, which alleviates their emotional suffering.

### 3.3 Raising the amount of compensation for mental harm in school bullying cases

Taking into account the victims' claims for personality rights remedies and the dual functions of consolation and compensation in mental harm awards, the system of mental harm compensation should be optimized in the following two ways.

The first approach emphasizes on the practice of simply linking mental harm to disability levels should be corrected (Liu, 2015). The assessment of "severity" constitutes a key challenge in adjudicating mental harms in school bullying cases. This difficulty manifests in two dimensions: first, the mental harm caused by certain humiliating behaviors often defies quantitative judicial appraisal. For instance, media-reported acts such as forcing victims to drink urine, while constituting violations of bodily rights, health rights, and general personality rights, may not be appropriate for clinically measurable physiological damage indicators. Yet, from a societal perspective, such egregiously degrading acts warrant substantial compensation as they represent extreme violations of human dignity. Furthermore, minors and adults demonstrate fundamentally divergent perceptions and assessments regarding the "severity" of mental harm. Certain behaviors deemed tolerable by adults may prove unbearable to children and adolescents. Moreover, the cumulative damage caused by persistent and recurrent negative conduct warrants particular judicial attention. Therefore, judgment of the severity of mental harm should first focus on the results of objective empirical research, from the disciplines of psychology and psychiatry, regarding the harm caused by bullying. The assessment of mental harm severity may transition from an outcome-based approach (actual damages) to a fact-based evaluation (the nature of the violation). Xiao (2013), including factors such as bullying methods, bullying frequency, subjective malice, occasions on which bullying occurred, and severity of fault. The establishment of mental harm does not necessitate proof that the victim has suffered unbearable agony. Rather, the mere fact that defamatory statements have been disseminated to third parties or that humiliating videos have begun circulating suffices to constitute a violation of the victim's personal dignity. At the same time, given the correlation between the damage and demographic factors such as gender and age, the victims' age, gender, grade, the bullies' remorse, and the scope of influence

shall all be considered. Under similar circumstances, the mental harm suffered by female victims of bullying tends to be greater than that of male victims; and younger individuals experience a longer period of suffering than older ones (Zeng, 2004); these factors should be carefully considered. Moreover, the assessment of severity should incorporate comprehensive considerations of repetitiveness, prolonged duration, and cumulative effects.

The second approach, the amount of compensation for mental harm in cases of school bullying should be appropriately increased to remedy the spiritual harm to the victim. First, the costs of psychological treatment and rehabilitation should be explicitly recognized as falling within the scope of compensation for mental harm. The practice of treating the costs of psychological treatment and rehabilitation as material losses eligible for compensation is consistent with current legal rules, and aligns with the Interpretation on Several Issues concerning the Application of Law in the Trial of Criminal Cases of Raping and Molesting the Minors. Article 14 of this interpretation stipulates that expenses incurred for the psychological treatment and rehabilitation of minors fall within the scope of reasonable costs that shall be compensated. The need for psychological treatment and rehabilitation resulting from severe psychological harm or mental illness caused by a tortious act constitutes an important criterion—both in theory and in practice—for determining compensation for mental harm (Tang, 2023).

Second, the scope of compensation for psychological treatment and rehabilitation expenses should be interpreted broadly. Such expenses constitute the "reasonable costs" necessary to remedy psychological harm and restore the victim's mental wellbeing. Given the particular nature of the psychological and emotional trauma caused by school bullying, as well as the long-term nature of treatment and rehabilitation of psychological harm or mental illness, when the medical diagnosis, appraisal opinion, and mental harm assessment report are sufficient to clarify the approximate costs required, judges should adjudicate based on the specific circumstances of the case (He and Zhao, 2023) and should not be strictly constrained by whether such costs "have actually occurred" or "are proved to be certain to occur".

Finally, a clear and reasonable distinction should be made between psychological treatment expenses and rehabilitation expenses. Psychological treatment expenses refer to the costs incurred in restoring an individual from a state of mental illness to a state of non-illness, whereas rehabilitation expenses focus on the costs associated with restoring the individual from a suboptimal or unhealthy mental state to full mental wellbeing. The so-called "suboptimal mental state" refers to a persistent negative condition that lies between mental health and diagnosable mental illness. This condition is also commonly referred to as "mental sub-health" (Liu et al., 2006). If not addressed in a timely manner, such a condition may develop into a serious mental disorder (Dandan et al., 2024). For example, victims of school bullying may develop serious mental disorders such as schizophrenia or PTSD following the bullying incident. In such cases, the costs associated with medical intervention and clinical treatment fall under the category of psychological treatment expenses. Even after the mental disorder is cured through professional treatment, the victim may still exhibit signs of mental sub-health, such as social withdrawal,

anxiety, or irritability. In such circumstances, the victim also requires ongoing psychological rehabilitation interventions—such as counseling, relaxation training, and other supportive measures—to restore their mental wellbeing. The expenses incurred for these interventions fall under the category of psychological rehabilitation expenses. Judges should not categorically reject claims for expenses related to non-clinical interventions—such as psychological counseling or emotional support services—on the sole grounds that they do not constitute medical treatment. Instead, the reasonableness of such expenses should be evaluated in light of their function as psychological rehabilitation costs. Judicial practice should actively encourage victims of bullying to seek timely psychological assistance, and conduct a comprehensive assessment of both treatment and rehabilitation expenses.

In conclusion, the psychological trauma or mental harm caused by bullying may not always reach a severity that requires medication; appropriate, professional psychological counseling interventions are often common treatment methods. Although the mental harm of “insufficient severity” corresponds to a lower amount of compensation for mental harm, the costs of psychological counseling interventions may still be relatively high. This requires the court to comprehensively consider the actual costs of psychological treatment and income levels when discretionarily determining an increase in the compensation amount for mental harm.

Moreover, raising the compensation amounts for mental harms will also help foster the societal consensus that “mental harm is equally as severe as physical harm”, increase the economic costs for perpetrators of bullying, and strengthen the deterrent and preventive functions of the law. Owing to cultural traditions and prevailing social norms, mental harm has not been sufficiently recognized or valued in Chinese society. Under traditional beliefs, health is often equated with the absence of physical illness, while mental problems are frequently perceived as signs of “weak will” or “moral failing”. Confucian culture emphasizes the ideal of *keji fuli* (self-restraint and a return to ritual propriety), promoting emotional restraint and the suppression of personal expression. When individuals experience psychological trauma, families and communities tend to suppress emotional expression under the pretext of “preserving the greater good”, often viewing mental health issues as a disruption to the collective order. For example, adolescent depression is often interpreted by parents as a lack of resilience rather than as a medical condition requiring intervention. Against the backdrop of the aforementioned cultural context, increasing the amount of compensation for mental harm can help break down societal prejudice associated with mental injury. It may also encourage Chinese parents to more clearly recognize the significance of adolescents’ mental health and emotional needs, thereby contributing to the gradual reduction of the stigmatization surrounding mental harm.

### 3.4 On the international significance of discussing compensation for mental harm

It is worth noting that, despite differences in legal systems and liability structures, the issue of mental harm resulting

from school bullying has garnered increasing legal recognition and institutional responses across jurisdictions. Through tort law, statutory obligations, and judicial interpretation, countries have explored various mechanisms to compensate victims and hold educational institutions accountable. For instance, In the United Kingdom, courts emphasize the duty of care owed by schools, likening it to that of a “reasonably prudent parent” (Middlemiss, 2012). In *Cotton v Trafford Borough Council*, the court held the school liable for psychiatric injury sustained by a 12-year-old student due to bullying, citing the school’s failure to follow internal procedures, collect evidence, and monitor bullying interventions. The court affirmed that while a teacher’s duty is not greater than a parent’s, it is nonetheless a high duty given the vulnerability of students. In New Zealand, while the no-fault Accident Compensation Scheme bars most physical injury claims, mental injury not caused by physical harm remains actionable under general negligence, and exemplary damages may be awarded in cases of egregious disregard for student safety (Mäntylä, 2015). Finnish courts recognize both physical and mental injuries as compensable, and have imposed liability on schools for failing to intervene in persistent bullying, leading to serious mental damages. In the United States and Australia, civil liability for bullying often arises under tort and constitutional protections, particularly where schools exhibit “deliberate indifference” to known incidents (Hay-Mackenzie, 2002). U.S. courts have also begun to classify severe bullying as an “educational disability”, acknowledging its long-term impact on mental health and access to education (Abrams, 2013). These developments reflect a growing international consensus on the seriousness of mental damage in school bullying cases and the corresponding duties of educational institutions. For China, enhancing public awareness of psychological harm and substantially increasing the currently inadequate compensation amounts for mental damages in judicial rulings would better align with international trends.

## 4 Summary

The specificity of school bullying cases lies in the fact that victims suffer varying degrees of personal insult and psychological, even mental, trauma, which are difficult to recover from. Despite these victims’ strong need for relief from mental harm, judges often have a biased understanding of such harm. To improve the level of relief available to victims of bullying, it is recommended that judges handle cases of bullying with empathy and take steps to enhance their awareness of the mental harm involved. By examining elements such as the factors involved in the specific case of bullying and individual characteristics, they can form a comprehensive judgment of the severity of personal and mental harm to the victim for an appropriate assessment of the amount of compensation for mental distress to be awarded.

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