



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Some mercy for the South Hadley bullies

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In her story last week, [Maria Cramer](#) quoted legal experts on some of the challenges facing the prosecution in pursuing charges against the South Hadley 9. Clearly, District Attorney Elizabeth Scheibel is applying and stretching the law to fit bad behavior far afield from the criminal conduct for which it was codified.

Despite some of the hurdles in making the charges stick, the prosecutor will likely benefit by focusing as much as possible on the victim, 15-year-old Phoebe Prince. The smart strategy will be to remind the jury of the sweet and innocent face that we've all seen over and over in her widely publicized portrait.



(AP Photo)
Phoebe Prince: a sweet and innocent face for a jury

But--as my editor asked me last week--what about the challenges confronted by defense counsel in vigorously representing their clients? In defending the students who are alleged to have bullied and harassed Prince so horribly that she committed suicide ("[bullied to death](#)," as it has been called), their lawyers may need to paint the victim as especially weak and fragile. They may have to advance a theory that the Irish-Catholic immigrant was herself struggling emotionally after her sexual relationship with an older boy, and that those feelings of guilt (perhaps reinforced by classmates) precipitated the suicide. It would be difficult not to sound like blaming the victim, a major turn-off for jurors.

Perhaps a better defense strategy--if only because it is true--would be to blame the group, rather than the victim. In part, the culprit was the social alliance of the accused, not just the defendants themselves.

As in the South Hadley case, bullying is often a group activity--many ganging up against one. Individually, Phoebe's tormentors may not have been that mean spirited, as in the "mean girls" label frequently used to characterize this episode.

In group settings, individuals often behave (and misbehave) in ways they wouldn't on their own. Peer influence toward bad decision-making has been shown to be especially pronounced among adolescents--youngsters who tend to evaluate right and wrong not so much using their own moral compass, but through the expectations and approval of their friends.

In some cases, a particularly charismatic or popular leader (or "ring leader") influences followers to do the wrong thing--and these admirers willingly comply for the sake of acceptance. In other cases, groups act in ways to which none of the participants is committed; however, in what has been described as "shared misunderstanding," each thinks that all the others are on board, when in fact none are.

So perhaps the best approach is to understand that even good kids do bad things in certain social situations. This does not condone or excuse the bullying, harassment or mistreatment that reportedly took place at the expense of one young victim. Given the tragic outcome, whatever the vulnerabilities of the victim, those who apparently made her life a living hell deserve punishment, but not to the "fullest extent of the law."

One of the purposes of punishment is to define the limits of appropriate behavior and what crosses over that line. Regrettably, when teachers, administrators and other adults fail to respond to bullying, they inadvertently send the message that such harassment is permitted.

Now, owing to the bold move of District Attorney Scheibel, the line has been clearly drawn and widely broadcast. From this point forward, bullies have been put on notice. However, this important statement of intolerance with regard to bullying came too late to discourage the South Hadley defendants and, sadly, much too late to spare Phoebe Prince.