

# Youth Violence and Juvenile Justice

<http://yvj.sagepub.com>

---

## Juvenile Transfers as Ritual Sacrifice: Legally Constructing the Child Scapegoat

Jordan J. Titus

*Youth Violence and Juvenile Justice* 2005; 3; 116

DOI: 10.1177/1541204004273313

The online version of this article can be found at:  
<http://yvj.sagepub.com/cgi/content/abstract/3/2/116>

---

Published by:



<http://www.sagepublications.com>

On behalf of:



[Academy of Criminal Justice Sciences](#)

**Additional services and information for *Youth Violence and Juvenile Justice* can be found at:**

**Email Alerts:** <http://yvj.sagepub.com/cgi/alerts>

**Subscriptions:** <http://yvj.sagepub.com/subscriptions>

**Reprints:** <http://www.sagepub.com/journalsReprints.nav>

**Permissions:** <http://www.sagepub.com/journalsPermissions.nav>

**Citations** <http://yvj.sagepub.com/cgi/content/refs/3/2/116>

# JUVENILE TRANSFERS AS RITUAL SACRIFICE

## Legally Constructing the Child Scapegoat

Jordan J. Titus

*University of Alaska Fairbanks*

*This article explores the dramaturgy of juvenile transfer provisions for the vestiges of ancient practices of child sacrifice that they reveal. Relying on theories by Girard, the social discord caused by young children who commit violent criminal acts is examined as a sacrificial crisis. The rhetorical demonization of the child criminal is described as their expurgation (as "Other"), the means by which their status is converted to scapegoat for the innocents their surrogacy benefits. Rather than deterrence or retribution functions, the legal response to children's normative violations that involves transferring children to adult criminal court are presented here as an institutionalized and symbolic form of sacrifice to resolve a cultural crisis and ensure societal cohesion.*

**Keywords:** *childhood; waiver; transfer; sacrifice*

Throughout the 1980s and 1990s, the United States experienced an intense period of public concern about violent youth crime. National media coverage of killings by youths in school settings juxtaposed our conceptions of children as vulnerable and in need of loving care with views of them as responsible and appropriate subjects of punishment and retribution. Debates focused on placing controls on juveniles' movements and activities (such as curfew ordinances), lowering the age of criminality, and the need for radical change in the juvenile justice system toward more punitive responses to criminal acts by child offenders. After two Arkansas boys, one aged 13, the other 11, were charged with killing four students and their teacher in a schoolyard shooting, some people demanded that they be tried as adults and be subject to the death penalty (Faltermayer, 1998). A conservative ideology of deterrence and a general hostility regarding youth resulted in legislation such as zero tolerance policies in public schools (Levick, 2000), and the criminalization of the child (Goldson, 2001).

A deep social anxiety is provoked when a child's acts violate normative regularities to such an extent that our incompatible frames for understanding childhood conformity and aberrance collide. The discordant effect of children's criminality is conceived here under the rubric of what René Girard (1972/1977) calls a "sacrificial crisis," or a crisis "affecting

---

**Author's Note:** A visual essay on an earlier version of this article was presented at the annual meeting of the Society for the Study of Social Problems, San Francisco, CA, August 2004.

*Youth Violence and Juvenile Justice*, Vol. 3 No. 2, April 2005 116-132

DOI: 10.1177/1541204004273313

© 2005 Sage Publications

the cultural order” (p. 49). Efforts to restore such breaches in the social order and to “reinforce the social fabric” (Girard, 1972/1977, p. 8) have resulted in changes in the legal conception of childhood, particularly visible in states’ legislative automatic waiver (or transfer) provisions that move an accused youth from the juvenile court setting to the adult criminal court setting.<sup>1</sup>

Using the framework of Girard’s (1972/1977, 1982/1986) theories, juvenile transfers will be explored here as modern ritual acts of sacrifice. Other researchers (Beschle, 1997, 2001; Turnbull, 1978) have proposed understandings of the death penalty to be found in its ritual elements. Here, to uncover features of sacrificial spectacle in juvenile transfers, comparisons will be drawn between ancient sacrificial rites of child death and the dramaturgy (Goffman, 1971) of contemporary automatic waivers.

Justice as distinct from religious acts of sacrifice is a modern idea. In ancient history, criminals were a deliberate choice as sacrificial victims (Green, 2001, p. 140), effectively blurring any distinction between mere offenders of the law and sacrificial victims. Roman justice executed criminals as offerings to the gods whom they had offended (Davies, 1981, p. 51). In Babylon, during Amazonian Sacaea festivals, condemned criminals were hanged or impaled in crucifixion ceremonies as sacrificial surrogates for the king (Walker, 1983, p. 877). In ancient Mexico, criminals were sacrificed by being placed between two large balanced stones that crushed them to death when they fell together (Frazer, 1950, p. 431). Mayans tortured and killed prisoners for their blood to offer as food for the gods (Bergmann, 1992, p. 33). Historically, “sacrifice, vengeance and penal justice were not separate notions but different facets of the same process, needed alike to protect the state against the wrath of the gods” (Davies, 1981, p. 52).

The comparison drawn here will reveal how the rhetorical demonization of youth (Davis & Bourhill, 1997; Giroux, 1996; Goldson, 2001; Triplett, 2000) is one aspect of the institutionalized scapegoating of an identifiable “Other”: child criminals. When the conceptual boundaries of childhood “exclude as pathological or peculiar those children who exceed the moral boundaries of what it is to be a child” (Jenks, 1996, p. 126; also see James & Jenks, 1996), those who are excluded are thereby rendered sacrificable. Their scapegoating will be shown to rely on and reinforce our cultural distinctions of innocent victims against evil perpetrators.

As a first step, a brief review of the historical struggle to formulate the child’s nature will illustrate how our conceptions have oscillated between polarized views of the child as a channel of diabolical or, alternatively, divine influence. Then, in the context of the social structure and dominant interests of societies, these contrasting images and their corresponding attitudes toward children are understood to have informed social policies and justice practices for children. Next, a sketch of Girard’s (1972/1977, 1982/1986) theories of imitative or mimetic violence will be relied on to explain the role that child sacrifice has played in societies. When juvenile transfers are viewed through Girard’s (1972/1977, 1982/1986) theories, the conflating of a juvenile’s criminal and sacrificial status will be evident.

## Legal Constructions of Childhood

### *The Child’s Nature: Evil and Innocent*

Although the history of children is replete with controversy (cf. Ariès, 1960/1962; deMause, 1974; Hunt, 1970; Pollock, 1983; Shahar, 1990/1992), scholars agree that child-

hood was differently regarded in the past. Stimulated by the work of historians such as Ariès and originating within constructionist and interpretive perspectives in sociology (Berger & Luckmann, 1966), the term *childhood* has become an analytical one, used as conceptual classification open to variation rather than a simple biological descriptor. An emerging paradigm recognizes the socially constructed character of childhood (James, Jenks, & Prout, 1998; Jenks, 1996; Prout & James, 1990). Various configurations of discourses on children offer coexisting and yet conflicting ideologies. Discourses, considered as reflexive and social practices of acting on the world, “systematically form the objects of which they speak” (Foucault, 1972, p. 49). A powerful discourse can constitute a “régime of truth” (Foucault, 1980, p. 131), framing what we think and say about children and how we treat them. The modern view that children are inherently and essentially different in their nature from adults has followed from two competing strands of discourse incorporating contrasting images of children.

The first is an image that pervaded the Middle Ages—of the child as naturally wicked, born in original sin, and hence requiring redemption. In late medieval England, infants were commonly viewed as harmfully evil, especially unbaptized ones, who were thought to be “captive in the devil’s power” (Coulton, 1922, p. 9, as cited in Kellum, 1974, p. 374). The Calvinist doctrine of infant depravity required coercive discipline by adults to save the child’s soul from their innate sinfulness (Stone, 1977). In Puritan New England, whippings were used to beat “the devil out of them” (Straus, 1994) in the belief that physical punishments were necessary to break a child’s will, for the development of their morality and, ultimately, for their redemption from eternal damnation (Greven, 1977, 1992). Restrictive and oppressive discipline was considered necessary in the belief that the child harbored an evil impulse. In this evangelical view, the undisciplined child threatened the normative order because, without the appropriate application of parental restraint, their primal demonic forces would be liberated.

In contrast, the romanticism of Jean-Jacques Rousseau (1762/1979) refigured children as sacred and morally pure innocents, to be nurtured with love and affection by parents taking care to protect them from the corrupting influence of society. The child’s natural goodness represented a condition lost to adults yet deemed worthy of preservation. Children were to be encouraged and enabled to unfold their immanent capacity for reason and their natural virtues and dispositions. Rousseau argued that the child needed to be allowed to be a child rather than considered as a future adult. By emphasizing childhood as a natural stage of human development, Rousseau also pointed to the child’s special status of person and to their essential difference from adults. In later socialization theories, the child was not only differentiated from adults but was conceptualized in the obverse, as “incomplete—immature, irrational, incompetent, asocial, acultural” (MacKay, 1973, pp. 27-28), as the Other (Cunningham, 1991; Schwartzman, 1978).

The way we define children incorporates assumptions about how we ought to treat them. A discourse that romanticizes childhood assumes not only that children are inherently good, but also that their malleability makes them susceptible to influence and vulnerable to corruption, necessitating their protection. Alternatively, adopting a view of the child as wicked and sinful suggests that children should be carefully controlled, disciplined, and restrained to train them. Researchers have begun to detail how the variable social construct of childhood both helps constitute the legal order and is a social product of that social institution (Ainsworth, 1991; Empey, 1979; Feld, 1999). Throughout the course of the last century, the legal boundary of childhood has shifted between these two dichotomous images as “youthful offenders have been transformed from innocent children to hardened adult crimi-

nals” (Scott, 2002, pp. 114-115). The juvenile justice system, likewise, has shifted from “child saving” to “public accountability” (Sealander, 2003, p. 19) while attempting to reconcile the dissonance created by the “competing images of when a child is a criminal and the criminal is a child” (Feld, 1999, p. 6). Juvenile transfer provisions reflect this “cultural and legal reformation of the social construction of ‘youth’ from innocent, immature, and dependent children to responsible, autonomous, and mature offenders” (Feld, 2000, p. 129).

A sacrificial crisis arises when the presumed innocent and vulnerable nature of the juvenile offender is “iconologically irreconcilable” with that of the seriousness of violent criminality (Jenks, 1996, p. 125). For Girard (1972/1977), the sacrificial crisis is defined as “a crisis affecting the cultural order. This cultural order is nothing more than a regulated system of distinctions in which the differences among individuals are used to establish their ‘identity’ and their mutual relationships” (p. 49). The crisis is resolved when the offender is expelled from the juvenile justice system for being insufficiently child-like (James & Jenks, 1996; Jenks, 1996), declared to be not a child and denied the social protections associated with the juvenile court. An intercourt transfer permits the minor to be “charged, held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as an adult” (Alaska Statute, 2004a). As demonstrated below, such transfer also serves as an institutionalized means of constructing the juvenile as scapegoat.

### *The Juvenile Delinquent*

Currently, American states vary in the minimum ages of criminal responsibility before which a person cannot be charged with a crime and jurisdictional ages of juvenile courts. Generally speaking, children are perceived as needing protection from the consequences of their immaturity rather than as accountable for their actions. Because notions of guilt and seriousness are dependent on attributes of capacity and responsibility, “the law perceives the child as ‘innocent’” (King & Piper, 1995, p. 108).

The creation of the juvenile court in 1899, distinguishing a child’s offence from an adult’s crime, reflected a presumed essential difference between the moral and cognitive capacities of juveniles and those of adults. Children were considered *doli incapax*, incapable of criminal intent because they were incapable of understanding the consequences of their actions. By definition then, the belief was that “a child cannot commit a crime: they are in the same class as the insane in this respect” (Ryerson, 1978, p. 75). The new juvenile court system embodied a concern with the social rehabilitation of young offenders through reformatory treatment rather than punitive punishment (Platt, 1977). The *parens patriae* jurisdiction of the juvenile court was designed to socialize delinquent youths into moral citizens (Platt, 1977; Ryerson, 1978), thereby curtailing their potential threat to social stability.

As Hendrick (1994) argues, children were perceived as both vulnerable and in need of adult protection (the child as victim), and as impulsive or unsocialized and in need of adult correction and control (the child as threat). The character of the neglected child and the delinquent child were deemed alike (Hendrick, 1994). Crime and destitution were seen as indelibly linked, and notions of childhood deprivation became fused with notions of children’s depravity. Institutional purposes of protection and training were combined toward one goal—to turn a threatening victim into a citizen of the community.

Almost since its creation, there has been debate about which children belong in juvenile court. Current federal and Alaska state laws define *juvenile* (and *child*) as a person who has not reached their 18th birthday (Alaska Rules of Court, Child in Need of Aid Rules of

Procedure, 2004-2005; Alaska Rules of Court, Delinquency Rule, 2004-2005; Juvenile Justice and Delinquency Prevention Act of 1974, 2001). As a result of recent changes in the juvenile justice philosophy, many states have changed the purpose clause of their juvenile codes to emphasize public safety and an assessment of the social harm that the offender caused (Torbet & Szymanski, 1998). Such revisions include the move toward determinant and mandatory sentencing in the juvenile court, more severe and longer sentences, the transfer of juveniles to adult court (Feld, 1999), and the constitutionality of the death penalty for children (*Stanford v. Kentucky*, 1989; *Stanford v. Parker*, 2002; *Wilkins v. Missouri*, 1989).<sup>2</sup>

Under an automatic waiver statute, the nature of the charged offense triggers the shift to adult jurisdiction.<sup>3</sup> Traditionally, a court judge could waive juvenile court jurisdiction over an offender if the judge determined that the minor was not amenable to the rehabilitative treatment of the juvenile justice system (Griffin, Torbet, & Szymanski, 1998). In Alaska, transfers are permitted for any criminal offense by any person (Alaska Statute, 2004b).<sup>4</sup> Judicial discretion has been amended in many states to restrict waiver to certain types of offences or, alternatively, to require by legislative mandate the trial in adult court of juveniles who fall into certain categories and for specific enumerated offences. Alaska criminal court is granted original jurisdiction over cases involving minors (an automatic waiver without a judicial hearing) if the accused minor is 16 years or older (at the time of the offence charged) for certain felonies and other specified crimes, or in the case of specific prior records (Alaska Statute, 2004a).

In criminal law, “when a child is not a child depends upon what it is doing” (James, 1986, p. 157). The legal status of the juvenile who is criminally prosecuted is not changed by the state law; they are tried as if they were adults, not as adults (Griffin et al., 1998).<sup>5</sup> Children’s treatment within criminal law is complex because “notions of guilt and seriousness are both dependent on the attributes of capacity and responsibility projected by the law” (King & Piper, 1995, p. 107). At the heart of the debate over the age of criminal responsibility is its relationship to moral judgment, competence, and participation. The law conceives of the adult person as a practical reasoning and rule-following being whose legally relevant actions are understood in terms of beliefs, desires, and intentions. The legally responsible agent is a person who is capable of properly using the rules (the laws) as premised in practical reasoning (Morse, 1997).

Juxtaposed to the legally responsible agent is our cultural construction of the child based on premises about their irrationality and naturalness (Prout & James, 1990). The United States Supreme Court has said that adolescents “are less mature and responsible than adults” and therefore less culpable (*Thompson v. Oklahoma*, 1988). Although impaired or immature cognitive functioning (including insanity) are recognized legal defenses, the developmental immaturity of an adolescent who lacks adjudicative competency (Grisso & Schwartz, 2000; Steinberg & Cauffman, 2000) is not taken into account in the case of automatic waivers. Instead, there is an imposition of the highest rationality and responsibility on children who seriously offend. The public views such offenders as “criminals who happen to be young, not children who happen to be criminal” (Regnery, 1985, p. 65).

Transfers represent “a type of *sentencing* decision” (Feld, 2000, p. 83) in that they effectively sever a group of juveniles from treatment afforded (other) children to secure a conviction and impose stiffer sanctions for their antisocial acts. Juveniles who are tried as adults do not enjoy the procedural safeguards (required by *Kent v. United States*, 1966) or protections otherwise afforded by law (e.g., under the United Nations Convention on the Rights of the Child, Article 3), including “treatment in the best interest of the child” (such as

opportunities for treatment rather than punishment) and “protection of the privacy of the child” (or confidentiality; May, 1998, p. 382). Once tried and convicted as an adult, the youth is subject to the punitive and retributive actions of the court, which may result in incarceration with adults, a potentially disastrous experience for children (Amnesty International, 1998).

Punishing norm violators and protecting society from them has long been seen to be the role of the justice system. According to many researchers, though, the practice of juvenile transfers does not deter violent juvenile offences, does not decrease recidivism, and falls short of the demands of retributive theory (Bishop, Frazier, Lanza-Kaduce, & Winner, 1996; Fagan, 1995; Winner, Lanza-Kaduce, Bishop, & Frazier, 1997). If transfers are not a pragmatic answer to perceived disorder in society, an alternative understanding of this punitive response to violence by children can be formulated by considering its symbolic ritual aspects.

### **Ritual Sacrifice**

Across cultures of the ancient world, we find references to child sacrifice. In Greek mythology, there are several episodes wherein the sacrifice of a young virgin girl, often by her father, is made to affect the fortunes of war (Bulfinch, 1970, pp. 213-214; Lemprière, 1984, pp. 26, 328-329). The Phoenicians were prolific in the sacrifice of infants and young children (Brown, 1991, p. 71). In honor of the gods (Kronos or Saturn, a deity often depicted eating his own children)<sup>6</sup>, Carthaginian children were rolled into a deep fiery pit and incinerated as burnt offerings (Davies, 1981, p. 63; Frazer, 1950, p. 281) while drums and cymbals played to drown out any cries of grief by victims’ parents who had sacrificed them as a pious act (Brown, 1991, p. 172). The ritual murder of children also has deep roots in the Judaeo-Christian tradition. The god Yahweh instructed Abraham to murder his son Isaac “for a burnt offering upon one of the mountains” (*New English Bible with the Apocrypha*, 1970, Gen. 22), although angelic intervention prevented him from compliance.<sup>7</sup>

The ritual sacrificing of children in ancient times was a means to an end.<sup>8</sup> Sacrifices were made in return for the gods’ help to elicit personal gain or to placate the gods, appease their displeasure, and thus deflect the hostility of the deities (Green, 2001). To avert catastrophes for communities, children were often sacrificed at critical times when a settlement was threatened with famine, disease, war, or other impending disaster. Zuni children were sacrificed to cause a flood to subside (Gill & Sullivan, 1992, p. 259). In India, children were offered to Shiva to ward off famine (Davies, 1981, pp. 77-78). Children were interred in the foundations or walls of new buildings and under city gates and bridges to act as a peace offering to the local supernatural power (whose domain has been intruded on) and to serve as a protective demon for the building, magically endowing it and its builders with good luck, prosperity, and longevity (Ariès, 1960/1962, p. 27; Davies, 1981, pp. 21-22; Green, 2001, p. 166).

#### *The Child Scapegoat*

Self-sacrifice being untenable, the issue of substitution underlies the concept of sacrifice. The choice of victim is crucial, and historically their selection followed prescribed rules that took into account status, gender, age, health, and physical condition of candidates.<sup>9</sup> A sacrificial offering was made in the belief that the deity would accept the

substitute victim, and thus the sacrificer would be spared. In the Greek custom of the *pharmakos*, a human scapegoat was a means for symbolically purifying the community. The scapegoat was of low status, selected (often because of a physical defect) to bear away the impurities of the town. The victim was expelled, a symbolic death, bearing all the community's evils with him or her and thereby cleansing the town and averting disease and disaster (Green, 2001; Hughes, 1991). The Gaulish *pharmakos* was actually put to death after being laden with the evils of the townsfolk, either thrown into the sea to drown or stoned to death outside the town walls (Green, 2001, pp. 49, 116).

In many ancient societies, children, prior to undergoing initiation rites, had "no proper place in the community," and their "rights and duties [were] almost nonexistent" (Girard, 1972/1977, p. 12). Imperfectly assimilated people, social outcasts or outsiders, those who occupied the margins of society (criminals, captives of war, slaves), and children, in particular, were most often the chosen victims of sacrifice.

All over the world, wherever one looks at the record, the sacrificial victims were taken from the same categories of people: those who had few, if any, rights of their own. . . . Children were in almost universal demand as untainted intermediaries between the living and the dead. (Davies, 1984, p. 212)

The relationship of victim substitute to the sacrificer was one of relative status, based on social rank, physical abnormality, or otherness of some kind. In India, children of "humble" parents were killed so that the wife of an "exalted" person could conceive (Davies, 1981, p. 77). In the Tonga Islands, it was considered the duty of parents to strangle their infants to strengthen and preserve their rulers (Davies, 1981, p. 193). Incans referred to their child victims as *capacochas*; several hundred at each solstice ceremony served as emissaries to the deities (Tierney, 1989, pp. 31-32, 45). The perfect *capacocha* was about 10 years old, physically unblemished, healthy, and considered exceptionally beautiful (Tierney, 1989, p. 30).

In Girard's (1972/1977) theory of ritual, the sacrificial victim protects the community from its own violence by uniting the community in their hatred for a common enemy (p. 163). To be suitable as a surrogate, the victim must resemble the human categories they replace but also be unquestionably distinct from the nonsacrificeable beings. Thus, the sacrificial victim must be both a part of, yet existing on the fringes of, the community (Girard, 1972/1977, p. 12). Children are situated precisely between the inside and outside of the community. Ancient Greek accounts reveal that virginity in a sacrifice was highly prized, not only because it represented purity, but also because the virgin occupied a boundary position for the social group, being neither child nor woman (Green, 2001, p. 156). Pubescent youth may have been valued not just for their potential but also the "inherent symbolism of liminality, of belonging to the worlds of childhood and adulthood and to neither" (Green, 2001, p. 157). Despite their contemporary constitutional (*In re Gault*, 1967) and human rights (U.N. Convention on the Rights of the Child), children today continue to be rendered voiceless and their human agency incapacitated by the structural parameters of childhood as it is experienced. As in ancient times, children subjected to juvenile waivers function as symbolic sacrificial victims, whereas the judicial condemnation they embed serves to brand them as beyond the moral community although living within it.

A child's violation of childhood's innocence through violence renders the child "doubly deviant, doubly damned" (Heidensohn, 1995, pp. 46-47).<sup>10</sup> Juvenile criminals transgress the societal criminal laws and the cultural norms for childlike behavior. Through their



marked differences from the ideal child, violent children “work to firm up the conceptual categories from which they are excluded” (James & Jenks, 1996, p. 323). Ironically, it is precisely because they are young that adults judge such children so harshly.

### *The Dramatization of Evil*

Modern commentators argue that children are increasingly “without childhood” (Winn, 1983) and suggest the passing of childhood’s innocence (Elkind, 1981; Postman, 1982; Suransky, 1982). Although juveniles are primarily victims, not perpetrators of violence (Snyder & Sickmund, 1999), intense media scrutiny has skewed the public perception of delinquency and youth violence (Acland, 1995; Baer & Chambliss, 1997; Glassner, 1999; Parker, Miller, Donegan, & Gilliam, 2001; Schissel, 1997; Shepherd, 1998). Despite a proliferation of official statistical reports showing that juvenile crime is at its lowest level in 25 years (Federal Interagency Forum on Child and Family Statistics, 2003), the vast majority of the public believes that violent juvenile crime is on the rise (Dorfman & Schiraldi, 2001; Guzman, Lippman, Moore, & O’Hare, 2003). Researchers have linked such misperceptions to the news media’s distorted coverage of youth and its skewed reports on juvenile justice policy debates (Alequin, Florence, Medoza, Ware, & Vazquez, 2001; Dorfman & Schiraldi, 2001; Males, 1999; O’Hare, 2003; Parker et al., 2001; Soler, 2001; *We Interrupt This Message*, 2001).

By the early 1990s, there was a fermenting body of opinion that juvenile justice (and penal liberalism) had gone too far (Soler, 2001). A “moral panic” (Cohen, 1972, pp. 1-15) was constructed through a public “discourse of fear” (Altheide, 1997, p. 648) that portrayed atypical and extraordinary cases as expressions of the dangerous lawlessness of children. Although only a small number of crimes committed by juveniles are classified as violent (Snyder, 2003, p. 4), such crimes tend to emerge sensationalized. The media described a “mounting terror of the anarchy and uncontrollability of unfettered youth” (Pilkington, 1994, ¶ 6), and experts predicted that because these young offenders were “distinctively malevolent” (Zimring, 1998, p. 7), we are “facing a potential bloodbath of teenage violence in the years ahead” (Ellis, 1996, p. 97). Conceptions of youth became equated with notions of criminality, and a dangerous and threatening character was taken to be their inherent anomie (Males, 1999). Young people were more than just dangerous, they were “full of murderous rage” and “brutality” (Philips, 1993, ¶ 7, 8) and were described as “turning feral” (Jeffs & Smith, 1996, p. 1).

The panic that ensued from this “dramatization of evil” (Tannenbaum, 1938, p. 19) was a moral one, in that there was a perceived threat to values held sacred by society, a destabilizing “threat to the social order itself” (Thompson, 1998, p. 8). The public responses of fear, hostility, and condemnation became heightened when the perpetrating “folk devils” (Cohen, 1972) were identified as young, morally weak, and dabbling in evil. Rhetorical framing of juvenile offenders as “super-predators” (DiIulio, 1995, p. 23) characterized their actions as intentional, sinister, and lacking (childish) innocence, and attributed their crimes to primal dark forces intrinsic to them. “[T]he Child has never been seen as such a menacing enemy as today. Never before have children been so saturated with all the power of projected monstrosity to excite repulsion—and even terror” (Warner, 1994, p. 56).

When confronted with (innocent) children and (evil) horrific crimes defying conventional categorization, society repositions the accused as an outsider, an “Other,” “distanced, yet inseparable, from the social order” (Acland, 1995, p. 19). In the essentializing news media reports of child murderers, a particularly demonic image of childhood was con-

structured. Statistically, child murderers are rare, with juveniles involved in 10% of murder arrests (Snyder, 2003, p. 1), and of those juveniles arrested for murder, only 12% are under age 15 (Snyder, 2003, p. 3). Such rarity itself declares the aberrant status of a child murderer, and the effect is magnified through their distorted presence in the media discourse (Kunkel, 1994) and reports of an “unprecedented epidemic” of killer children (Cook & Laub, 1998, p. 27). The rhetorical framing of juveniles as evil delineates them as distinctly sacrificable, through a conversion of their status as “Other.” This creation of the “Other” is integral to a notion of “little monsters” (Warner, 1994, p. 43) and the “politics of spectacle” (Acland, 1995, p. 20) within which their monstrousness emerges. Media dwell on the brutality of the crimes, and the public views the child’s presumed monstrosity to be confirmed by the character and rarity of the very offences they are accused of having committed. The increasing public disquiet over violent children contributed to the institutionalization in law and policy of offending children’s symbolic expurgation as folk devils.

Aspects of this process were displayed when a murder in the United Kingdom of a 2-year-old boy by two 10-year-old boys unleashed a moral outrage. Young (1996) has shown how the media set the concept of good, innocent childhood against the aberration of the killing. The victim, James Bulger, represented the quintessential child, exemplifying childhood ideals (e.g., small, trusting, affectionate, vulnerable), an allegory for the innocence of childhood. Juxtaposed, his killers personified the oppositional categories of evil and dangerousness. Hay (1995) explains that we were “confronted by the implications of the realization that those formerly conceived of as innocent victims might pose a profound threat in and of themselves” (p. 201). They confirmed a belief that “children may look like angels but still be devils underneath” (Warner, 1994, p. 57). Having betrayed an abstract myth about proper childlikeness, the murderers’ trial and media coverage “revealed a brutal absence of pity for them as children” (Warner, 1994, p. 45). Headlines announced the “death of innocence” (Bedell, 1993, p. 23), and reporters accused the boys of having “killed not just a child but the idea of childhood” (Morrison, 1997, ¶ 1).

The conjoined descriptions of the “embryo-angel” and “infant fiend” that expressed parents’ feelings about their children in the 17th century (Greven, 1977, p. 28) are reflected in our contemporary dual imagery of the angel-monster child. According to the “myth of pure evil,” people identify with the good of innocent victims against the evil of perpetrating others (Baumeister, 1996, p. 60). Baumeister (1996) argues that this way of constructing evil is persuasive because it provides us with some certainty about our own goodness, as well as a scapegoat on which to blame perceived disruptions in the social fabric. Such a good-evil dualism allows groups to vent their moral panic by providing the ability to categorize, judge, and express the revulsion that proves their social power to control the threat.

The operation of exclusivity allowed for Bulger’s killers to be cast out from childhood. The killers’ “Otherness” was their media-ascribed nonhumanness; they were referred to as animals, beasts, freaks of nature, savages, and monsters. There was a strong display of associating the killers with Christian ideas of evil. They were “from hell,” “products of the devil,” who had the “Satan bug inside them” and the “Mark of the Beast” on them; indeed, “Demons had invaded the innocents” (Haydon & Scraton, 2000, p. 425). The judge declared that the boys were “cunning and wicked” and had perpetrated “an act of unparalleled evil and barbarity” (Pilkington, 1993, ¶ 3). Their anomaly served not only to allow for their segregation from other children, but also for a viewing public to demand to “kill them,” and “hang them” (Pilkington, 1993, ¶ 16).

The child who kills becomes devalued and made a “monstrous double” (Girard, 1972/1977, p. 272) for the innocents they imitate. The sacrificial victim who is significantly dif-

ferent ensures that the public is less likely to sympathetically identify with that “monster” (Girard, 1972/1977, p. 270). Subsequent institutional responses sought to reaffirm a traditional construct of childhood’s innocence whereby (good) children are protected and evil youth who are disruptive of the social order are sacrificed for the beneficial effects of their surrogacy. By virtue of their dehumanization and monstrosity, child criminals then can be exposed to the violence of law without fear of reprisal because their sacrifice will not entail any act of vengeance.

### *Ritual Violence*

Violence is integral to law, as legal interpretations both occasion and constitute justifications for social practices of violence on others (Cover, 1992, p. 203). “[T]he essential tension in law is between the elaboration of legal meaning and the exercise of, or resistance to, the violence of social control” (Cover, p. 204, see Note 2). The brutality of juvenile transfers can then be understood as ritual violence performed against a single offender to contain a greater violence. The ritual aspects of law can also help account for the recent emphasis in expediting the process of prosecution with less concern for certainty of guilt or culpability (Amnesty International, 1998; Burnett, 2002). Consequences of such ritual practices were made clear in the case of two Chicago African American boys, 7 and 8 years old, who were mistakenly accused of the rape and murder of an 11-year-old girl. Officers said that the accused had killed her for her bicycle. The youngest ever in American history to be charged with first-degree murder, they were presented in the press as “demons” whose “child play” had been “replaced with predatory behavior” (“Lives Endangered,” 1998, p. 37). Editorials lamented “the end of [childhood] innocence” (“The End of Innocence,” 1998, p. B6), but the children’s arrests and treatment by the court and in media exposed how the justice system fails to protect the innocent child (Conniff, 1999; Kotlowitz, 1999). This case also demonstrates just how willing states are to offer symbolic child sacrifices as an alternative to the profane violence in society. These sacrificial victims, supposedly the source of evil and discord, by virtue of the ritual violence directed against them, paradoxically become the source of the community’s restored harmony, first “visiting affliction” then subsequently restoring order (Girard, 1972/1977, p. 86).

### **Conclusions**

If the central function of the legislative waiver is to ritually unite the community through an act of violence against a designated common enemy, the usual arguments in favor of or opposed to such forms of juvenile justice are rendered less relevant. Beneath any instrumental explanations for juvenile transfers lie the fears and beliefs in some supernatural authority that have always motivated humans to commit ritual acts to ensure the well-being of the state. Just as the Incan capacochas offerings were seen to ensure the well-being of the rulers and social order, trying juveniles in adult criminal court and subjecting them to harsh punishment serves to assure people that society is not out of control. Juvenile transfers serve the symbolic function of reaffirming the community’s belief that there are cases of violence and absolute evil that demand a violent collective response. Applications of law and sacrificial ceremonies have the same end: to provide a sense of solidarity against a common enemy, and thereby “unite society and establish order” (Girard, 1972/1977, p. 8).

Girard (1972/1977) argues that the efficacy of the ritual requires that it result in social cohesion. If a part of the community perceives the scapegoat as not blameworthy, violence will escalate in response rather than be averted. Because the children who are transferred from juvenile court, an estimated 200,000 each year (Amnesty International, 1998), are disproportionately minority youth and male (Howell, 1996; Juskiewitz, 2000; Males & Macallair, 2000; Poe-Yamagata & Jones, 2000), such ritual practice will likely, in the end, divide rather than unite.

According to Girard (1972/1977), if the ritual is ineffective, it will not be abandoned; instead, it will be repeated and amplified. "The attempts to do it just right, and therefore effectively, will become more frantic" (Beschle, 1997, p. 525). It is no surprise, then, that in recent years states have modified their statutes to expand the number and kind of cases where transfer occurs, making it easier to prosecute juveniles in adult court (Griffin et al., 1998; Juskiewitz, 2000; Torbet & Szymanski, 1998). Many states (including Alaska) have shown increasing preference for statutes for automatic waiver based on the crime charged (Klein, 1998). In some states, children are transferred for nonviolent offenses as well (Amnesty International, 1998). Inept sacrificial rituals will lead communities to resort to more spectacular acts of violence and to grow more murderous to have the same cathartic results they once achieved with minimal violence (Bailie, 1995). States' continued willingness to execute juveniles provides further evidence of the social need for rituals that collectively express revulsion and condemn evil. The question remains whether the response of our contemporary states will be to eventually turn away from violence in the pursuit of juvenile justice or to continue to demand even more.

## NOTES

1. The terminology used to refer to this process varies. Here the term *waiver* denotes legislative mechanisms under which certain kinds of charges against juveniles, specified in statute, are filed initially in criminal court (also called *automatic waivers*). The term *transfer* is used in a more general way to refer to waivers as well as those cases initiated in juvenile court that involve judicial prerogative or prosecutorial discretion to transfer to adult court jurisdiction.

2. It should be noted that on January 26, 2004, the U.S. Supreme Court granted certiorari (*Roper v. Simmons*, 2004) to review the Missouri Supreme Court decision granting habeas corpus in *State ex rel. Simmons v. Roper* (2003).

3. Waiver decisions differ in terms of the degree of decision-making flexibility they allow the courts, from being "discretionary," or a "presumption" in favor of waiver, to being "mandatory" under specific circumstances (Griffin et al., 1998, p. 1).

4. The juvenile court may transfer jurisdiction (a discretionary waiver) if it finds from a hearing that "(A) there is probable cause to believe the juvenile committed the act for which waiver is sought; and (B) the juvenile is not amenable to treatment" (Alaska Rules of Court, Delinquency Rule, 2004-2005, part VI). In a transfer hearing, the prosecutor has the burden of proof with respect to the finding that there is probable cause to believe that the minor is delinquent. However, a minor charged with an unclassified or class A felony that constitutes a crime against the person is rebuttably presumed to be not amenable to treatment (a presumptive waiver; Alaska Statutes, 2004a) and has the burden of showing otherwise by a preponderance of evidence.

5. Moak and Wallace (2003) point to the contradictions in our civil and criminal laws wherein juveniles are denied rights of individual autonomy and yet are held criminally responsible and fully culpable for violating normative standards.

6. Greek Kronos, or Roman Saturn, is a deity most often equated with Baal-Hammon to whom the stelae inscriptions at Carthage are dedicated. Most translations of multiple biblical passages (*New English Bible with Apocrypha*, 1970, Lev. 18:21, 20:2-4, 2 Kgs. 23:10) refer to Molech (or Moloch) as the fire god to whom these child immolations were made; but Molech may have been a sacrificial term, not a divinity (Brown, 1991; Tierney, 1989).

7. Yahweh also made claims to their first born (Num. 3:13), and the first-born sons of all Jews were said to belong to God and must be redeemed (*New English Bible with Apocrypha*, 1970, Exod. 13:12-13, 22:30, 34:20).

8. Acts of child sacrifice considered here do not include the relatively pragmatic and more widespread practice of infanticide (deMause, 1974; Kellum, 1974; Trexler, 1973; Wrightson, 1975).

9. A poor choice for a surrogate could have disastrous results: The Carthaginians interpreted their defeat in battle as vengeance by their god Kronos for their substituting purchased (poor) children in place of their own noble status children (Brown, 1991, p. 23; Green, 2001, pp. 49, 169); the substitution of an animal for a human sacrifice by the Spartan Agesilaüs was thought to have offended the gods, resulting in a failed expedition (Green, 2001, p. 156).

10. Heidensohn (1995) is referring to a view of the woman offender as doubly deviant for transgressing societal laws and cultural norms for femininity. Not unlike the child criminal, with her double exception, "the criminal woman is consequently a monster—her wickedness . . . enormous" (Heidensohn, 1995, p. 112).

## REFERENCES

- Alaska Rules of Court, Child in Need of Aid Rules of Procedure 2(a) (2004-2005).
- Alaska Rules of Court, Delinquency Rule 20 (2004-2005).
- Alaska Statute § 47.12.030(a). (LexisNexis 2004a).
- Alaska Statute § 47.12.100. (LexisNexis 2004b).
- Acland, C. R. (1995). *Youth, murder, spectacle: The cultural politics of "youth in crisis."* Boulder, CO: Westview Press.
- Ainsworth, J. E. (1991). Re-imagining childhood and reconstructing the legal order: The case for abolishing the juvenile court. *North Carolina Law Review*, 69, 1083-1133.
- Alequin, S., Florence, E., Medoza, H., Ware, L. T., & Vazquez, J. (2001). *In between the lines: How the New York Times frames youth.* New York: We Interrupt This Message and Youth Force. Available from <http://www.interrupt.org>
- Altheide, D. L. (1997). The news media, the problem frame, and the production of fear. *Sociological Quarterly*, 38(4), 647-668.
- Amnesty International. (1998). *Betraying the young: Children in the U.S. justice system* (Report No. AMR 51/060/1998). Available from <http://www.web.amnesty.org/library>
- Ariès, P. (1962). *Centuries of childhood: A social history of family life* (R. Baldick, Trans.). New York: Vintage. (Original work published 1960)
- Baer, J., & Chambliss, W. J. (1997). Generating fear: The politics of crime reporting. *Crime, Law and Social Change*, 27(2), 87-107.
- Bailie, G. (1995). *Violence unveiled: Humanity at the cross-roads.* New York: Crossroad.
- Baumeister, R. F. (1996). *Evil: Inside human violence and cruelty.* New York: Freeman.
- Bedell, G. (1993, November 28). James Bulger: The death of innocence. *The Independent*, p. 23. Retrieved March 15, 2001, from Lexis-Nexis database.
- Berger, P. L., & Luckmann, T. (1966). *The social construction of reality: A treatise in the sociology of knowledge.* Garden City, NY: Doubleday.

- Bergmann, M. S. (1992). *In the shadow of Moloch: The sacrifice of children and its impact on Western religions*. New York: Columbia University Press.
- Beschle, D. L. (1997). What's guilt (or deterrence) got to do with it? The death penalty, ritual, and mimetic violence. *William and Mary Law Review*, 38, 487–538.
- Beschle, D. L. (2001). Why do people support capital punishment? The death penalty as community ritual. *Connecticut Law Review*, 33, 765–790.
- Bishop, D. M., Frazier, C. E., Lanza-Kaduce, L., & Winner, L. (1996). The transfer of juveniles to criminal court: Does it make a difference? *Crime and Delinquency*, 42(2), 171–191.
- Brown, S. (1991). *Late Carthaginian child sacrifice and sacrificial monuments in their Mediterranean context* (Vol. 3). Sheffield, UK: Sheffield Academic Press.
- Bulfinch, T. (1970). *Bulfinch's mythology*. New York: Thomas Y. Crowell.
- Burnett, C. (2002). *Justice denied: Clemency appeals in death penalty cases*. Boston: Northeastern University Press.
- Cohen, S. (1972). *Folk devils and moral panics: The creation of the mods and rockers*. London: MacGibbon & Kee.
- Conniff, K. (1999, May). Juvenile injustice. *Brill's Content*, 2, 112–114.
- Cook, P. J., & Laub, J. H. (1998). The unprecedented epidemic in youth violence. In M. Tonry & M. H. Moore (Eds.), *Youth violence* (pp. 27–64). Chicago: University of Chicago Press.
- Coulton, G. G. (1922). *Infant perdition in the middle ages*. London: Simpkin Marshall, Hamilton, Kent & Co.
- Cover, R. (1992). Violence and the word. In M. Minow, M. Ryan, & A. Sarat (Eds.), *Narrative, violence, and the law: The essays of Robert Cover* (pp. 203–238). Ann Arbor, MI: University of Michigan Press.
- Cunningham, H. (1991). *The children of the poor: Representations of childhood since the seventeenth century*. Oxford, UK: Blackwell.
- Davies, N. (1981). *Human sacrifice: In history and today*. New York: William Morrow & Co.
- Davies, N. (1984). Human sacrifice in the Old World and the New: Some similarities and differences. In E. H. Boone (Ed.), *Ritual human sacrifice in Mesoamerica* (pp. 211–226). Washington, DC: Dumbarton Oaks Research Library and Collection.
- Davis, H., & Bourhill, M. (1997). "Crisis": The demonization of children and young people. In P. Scraton (Ed.), *"Childhood" in "crisis"?* (pp. 28–57). London: University College London Press.
- deMause, L. (1974). The evolution of childhood. In L. deMause (Ed.), *The history of childhood* (pp. 1–54). New York: Psychohistory Press.
- DiIulio, J. J., Jr. (1995, November 27). The coming of the super-predators. *Weekly Standard*, p. 23.
- Dorfman, L., & Schiraldi, V. (2001). *Off balance: Youth, race and crime in the news*. Available from <http://www.buildingblocksforyouth.org>
- Elkind, D. (1981). *The hurried child: Growing up too fast too soon*. Reading, MA: Addison-Wesley.
- Ellis, B. E. (1996, June/July). Why kids are ruining America. *George*, pp. 96–103.
- Empey, L. T. (1979). Introduction: The social construction of childhood and juvenile justice. In L. T. Empey (Ed.), *The future of childhood and juvenile justice* (pp. 1–34). Charlottesville, VA: University Press of Virginia.
- The end of innocence. (1998, August 12). *Los Angeles Times*, p. B6.
- Fagan, J. (1995). Separating the men from the boys: The comparative advantage of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders. In J. C. Howell, B. B. Krisberg, J. D. Hawkins, & J. J. Wilson (Eds.), *A sourcebook: Serious, violent, and chronic juvenile offenders* (pp. 238–260). Thousand Oaks, CA: Sage.
- Faltermayer, C. (1998, April 6). What is justice for a sixth-grade killer? *Time*, pp. 36–37.

- Federal Interagency Forum on Child and Family Statistics. (2003). *America's children: Key national indicators of well-being, 2003*. Washington, DC: Federal Interagency Forum on Child and Family Statistics, U.S. Government Printing Office.
- Feld, B. C. (1999). *Bad kids: Race and the transformation of the juvenile court*. New York: Columbia University Press.
- Feld, B. C. (2000). Legislative exclusion of offenses from juvenile court jurisdiction: A history and critique. In J. Fagan & F. E. Zimring (Eds.), *The changing borders of juvenile justice: Transfer of adolescents to the criminal court* (pp. 83–144). Chicago: University of Chicago Press.
- Foucault, M. (1972). *The archaeology of knowledge*. London: Tavistock.
- Foucault, M. (1980). *Power/knowledge: Selected interviews and other writings 1972-1977*. Hassocks, UK: Harvester Press.
- Frazer, J. G. (1950). *The golden bough: A study in magic and religion*. London: Macmillan.
- Gault, In re, 387 U.S. 1 (1967).
- Gill, S. D., & Sullivan, I. F. (1992). *Dictionary of Native American mythology*. New York: Oxford University Press.
- Girard, R. (1977). *Violence and the sacred* (P. Gregory, Trans.). Baltimore, MD: Johns Hopkins University Press. (Original work published 1972)
- Girard, R. (1986). *The scapegoat* (Y. Freccero, Trans.). Baltimore, MD: Johns Hopkins University Press. (Original work published 1982)
- Giroux, H. A. (1996). Hollywood, race, and the demonization of youth: The “kids” are not “alright.” *Educational Researcher*, 25(2), 31-35.
- Glassner, B. (1999). *The culture of fear: Why Americans are afraid of the wrong things*. New York: Basic Books.
- Goffman, E. (1971). *The presentation of self in everyday life*. London: Penguin.
- Goldson, B. (2001). The demonization of children: From the symbolic to the institutional. In P. Foley, J. Roche, & S. Tucker (Eds.), *Children in society: Contemporary theory, policy, and practice* (pp. 34–41). New York: Palgrave.
- Green, M. A. (2001). *Dying for the gods: Human sacrifice in Iron Age and Roman Europe*. Charleston, SC: Tempus.
- Greven, P. (1977). *The Protestant temperament: Patterns of child rearing, religious experience, and the self in early America*. New York: Knopf.
- Greven, P. (1992). *Spare the child: The religious roots of punishment and the psychological impact of physical abuse*. New York: Vintage.
- Griffin, P., Torbet, P., & Szymanski, L. (1998). *Trying juveniles as adults in criminal court: An analysis of state transfer provisions* (Report No. NCJ 172836). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Grisso, T., & Schwartz, R. G. (Eds.). (2000). *Youth on trial: A developmental perspective on juvenile justice*. Chicago: University of Chicago Press.
- Guzman, L., Lippman, L., Moore, K. A., & O'Hare, W. (2003). *Public perception of children's well-being*. Washington, DC: Childtrends and Annie Casey Foundation. Available from <http://www.childtrends.org>
- Hay, C. (1995). Mobilization through interpellation: James Bulger, juvenile crime and the construction of a moral panic. *Social and Legal Studies*, 4(2), 197–223.
- Haydon, D., & Scraton, P. (2000). “Condemn a little more, understand a little less”: The political context and rights implications of the domestic and European rulings in Venables-Thompson case. *Journal of Law and Society*, 27(3), pp. 416–448.
- Heidensohn, F. (1995) *Women and crime* (2nd ed.). New York: New York University Press.

- Hendrick, H. (1994). *Child welfare: England 1872–1989*. London: Routledge.
- Howell, J. C. (1996). Juvenile transfers to the criminal justice system: State of the art. *Law & Policy*, 18(1-2), 17–60.
- Hughes, D. (1991). *Human sacrifice in ancient Greece*. London: Routledge.
- Hunt, D. (1970). *Parents and children in history: The psychology of family life in early modern France*. New York: Basic Books.
- James, A. (1986). Learning to belong: The boundaries of adolescence. In A. P. Cohen (Ed.), *Symbolizing boundaries: Identity and diversity in British cultures* (pp. 155–170). Manchester, UK: Manchester University Press.
- James, A., & Jenks, C. (1996). Public perceptions of childhood criminality. *British Journal of Sociology*, 47(2), 315–331.
- James, A., Jenks, C., & Prout, A. (1998). *Theorizing childhood*. New York: Teachers College Press.
- Jeffs, T., & Smith, M. K. (1996). “Getting the dirt bags off the streets”: Curfews and other solutions to juvenile crime. *Youth and Policy*, 53, 1–14.
- Jenks, C. (1996). *Childhood*. London: Routledge.
- Juskiewitz, J. (2000). *Youth crime/adult time: Is justice served?* Available from <http://www.buildingblocksforyouth.org>
- Juvenile Justice and Delinquency Prevention Act of 1974, 18 U.S.C. § 5031 *et seq.* (West 2001).
- Kellum, B. A. (1974). Infanticide in England in the later middle ages. *History of Childhood Quarterly*, 1, 367–388.
- Kent v. United States, 383 U.S. 541 (1966).
- King, M., & Piper, C. (1995). *How the law thinks about children* (2nd ed.). Aldershot, UK: Arena.
- Klein, E. K. (1998). Dennis the menace or Billy the kid: An analysis of the role of transfer to criminal court in juvenile justice. *American Criminal Law Review*, 35(2), 371–410.
- Kotlowitz, A. (1999, February 8). The unprotected. *The New Yorker*, pp. 41–53.
- Kunkel, D. (1994). *The news media’s picture of children*. Retrieved January 10, 2004, from <http://www.childrennow.org/media/mc94/news%5Fstudy.cfm>
- Lemprière, J. (1984). *Lemprière’s classical dictionary*. London: Braken Books.
- Levick, M. L. (2000). Zero tolerance: Mandatory sentencing meets the one room schoolhouse. *Kentucky Children’s Rights Journal*, 8(1), 2–6.
- Lives endangered. (1998, August 12). *Chicago Sun-Times*, p. 37.
- MacKay, R. (1973). Conceptions of children and models of socialization. In H. P. Dritzal (Ed.), *Childhood and socialization* (pp. 27–43). New York: Macmillan.
- Males, M. A. (1999). *Framing youth: Ten myths about the next generation*. Monroe, ME: Common Courage Press.
- Males, M. A., & Macallair, D. (2000). *The color of justice: An analysis of juvenile adult court transfers in California*. Available from <http://www.buildingblocksforyouth.org>
- May, K. S. (1998). Shifting away from rehabilitation: State v. Ladd’s equal protection challenge to Alaska’s waiver law. *Alaska Law Review*, 15(2), 367–402.
- Moak, S. C., & Wallace, L. H. (2003). Legal changes in juvenile justice: Then and now. *Youth Violence and Juvenile Justice*, 1(3), 289–299.
- Morrison, B. (1997). Murderous innocence. *The Guardian*, p. T.012. Available from ProQuest database.
- Morse, S. J. (1997). Immaturity and irresponsibility. *Journal of Criminal Law & Criminology*, 88(1), 15–67.
- New English Bible with the Apocrypha*. (1970). Oxford, UK/Cambridge, UK: Oxford University Press/Cambridge University Press.



- O'Hare, W. P. (2003). *Perceptions and misperceptions of America's children: The role of the print media*. Retrieved December 12, 2003, from [http://aecf.org/kidscount/ohare\\_paper\\_on\\_media\\_6\\_26\\_03\\_final.pdf](http://aecf.org/kidscount/ohare_paper_on_media_6_26_03_final.pdf)
- Parker, M. A., Miller, P., Donegan, K., & Gilliam, F. D., Jr. (2001). *The local television news media's picture of children*. Available from <http://www.childrennow.org>
- Philips, M. (1993, November 28). How we make demons of children. *The Guardian*. Available from ProQuest database.
- Pilkington, E. (1993, November 25). Boys guilty of Bulger murder. *The Guardian*. Available from ProQuest database.
- Pilkington, E. (1994, May 5). Killing the age of innocence. *The Guardian*. Available from ProQuest database.
- Platt, A. M. (1977). *The child savers: The invention of delinquency* (2nd ed.). Chicago: University of Chicago Press.
- Poe-Yamagata, E., & Jones, M. A. (2000). *And justice for some: Differential treatment of minority youth in the justice system*. Available from <http://www.buildingblocksforyouth.org>
- Pollock, L. L. (1983). *Forgotten children: Parent-child relations from 1500 to 1900*. Cambridge, UK: Cambridge University Press.
- Postman, N. (1982). *The disappearance of childhood*. New York: Dell.
- Prout, A., & James, A. (Eds.). (1990). *Constructing and reconstructing childhood*. London: Falmer.
- Regnery, A. S. (1985). Getting away with murder: Why the juvenile justice system needs an overhaul. *Policy Review*, 34, 65–68.
- Roper v. Simmons, No. 03-633 (U.S., 2004).
- Rousseau, J.-J. (1979). *Emile: Or, on education*. (A. Bloome, Trans.). New York: Basic Books. (Original work published 1762)
- Ryerson, E. (1978). *The best-laid plans: America's juvenile court experiment*. New York: Hill and Wang.
- Schissel, B. (1997). *Blaming children: Youth crime, moral panics, and the politics of hate*. Halifax, NS: Fernwood.
- Schwartzman, H. B. (1978). *Transformations: The anthropology of children's play*. New York: Plenum.
- Scott, E. S. (2002). The legal construction of childhood. In M. K. Rosenheim, F. E. Zimring, D. S. Tanenhaus, & B. Dohrn (Eds.), *A century of juvenile justice* (pp. 113–141). Chicago: University of Chicago.
- Sealander, J. (2003). Juvenile justice: From “child saving” to “public accountability.” In J. Sealander (Ed.), *The failed century of the child: Governing America's young in the twentieth century* (pp. 19–52). Cambridge, UK: Cambridge University Press.
- Shahar, S. (1992). *Childhood in the Middle Ages* (C. Galai, Trans.). New York: Routledge. (Original work published 1990)
- Shepherd, R. E. (1998). How the media misrepresents juvenile policies. *Criminal Justice*, 13, 37–39.
- Snyder, H. N. (2003). *Juvenile arrests 2001* (Juvenile Justice Bulletin No. 201370). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Snyder, H. N., & Sickmund, M. (1999). *Juvenile offenders and victims: 1999 national report* (NCJ 178257). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Soler, M. (2001, October). *Public opinion on youth, crime, and race: A guide for advocates*. Available from <http://www.buildingblocksforyouth.org>

- Stanford v. Kentucky, 492 U.S. 361 (1989).
- Stanford v. Parker, 537 U.S. 831 (2002).
- State ex rel. Simmons v. Roper, 112 S.W.3d 397 (Missouri 2003).
- Steinberg, L., & Cauffman, E. (2000). A developmental perspective on jurisdictional boundary. In J. Fagan & F. E. Zimring (Eds.), *The changing borders of juvenile justice: Transfer of adolescents to the criminal court* (pp. 379–406). Chicago: University of Chicago Press.
- Stone, L. (1977). *The family, sex, and marriage in England 1500–1800*. New York: Harper & Row.
- Straus, M. A. (1994). *Beating the devil out of them: Corporal punishment in American families*. New York: Lexington Books.
- Suransky, V. P. (1982). *The erosion of childhood*. Chicago: University of Chicago Press.
- Tannenbaum, F. (1938). *Crime and the community*. Boston: Ginn.
- Thompson v. Oklahoma, 486 U.S. 815 (1988).
- Thompson, K. (1998). *Moral panics*. London: Routledge.
- Tierney, P. (1989). *The highest altar: The story of human sacrifice*. New York: Viking.
- Torbet, P., & Szymanski, L. (1998). *State legislative responses to violent juvenile crime: 1996–97 update* (Juvenile Justice Bulletin No. NCJ 173399). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Trexler, R. C. (1973). Infanticide in Florence: New sources and first results. *History of Childhood Quarterly*, 1, 98–116.
- Triplet, R. (2000). The dramatization of evil: Reacting to juvenile delinquency during the 1990s. In S. S. Simpson (Ed.), *Of crime and criminality* (pp. 121–138). Thousand Oaks, CA: Pine Forge Press.
- Turnbull, C. (1978). Death by decree. *Natural History*, 87(5), 50–67.
- Walker, B. G. (1983). *The woman's encyclopedia of myths and secrets*. San Francisco: HarperCollins.
- Warner, M. (1994). Little angels, little monsters: Keeping childhood innocent. In *Six myths of our time: Little angels, little monsters, beautiful beasts, and more* (pp. 43–62). New York: Vintage.
- We Interrupt This Message. (2001). *Soundbites and cellblocks: Analysis of the juvenile justice media debate and a case study of California's Proposition 21*. Available from <http://www.interrupt.org>
- Wilkins v. Missouri, 492 U.S. 361 (1989).
- Winn, M. (1983). *Children without childhood*. New York: Pantheon.
- Winner, L., Lanza-Kaduce, L., Bishop, D. M., & Frazier, C. E. (1997). The transfer of juveniles to criminal court: Reexamining recidivism over the long term. *Crime and Delinquency*, 43(4), 548–563.
- Wrightson, K. (1975). Infanticide in early seventeenth century England. *Local Population Studies*, 15, 10–22.
- Young, A. (1996). The Bulger case and the trauma of the visible. In *Imagining crime: Textual outlaws and criminal conversations* (pp. 111–145). Thousand Oaks, CA: Sage.
- Zimring, F. E. (1998). *American youth violence*. New York: Oxford University Press.

**Jordan J. Titus** is an associate professor of sociology at the University of Alaska Fairbanks. Her research focuses on legal constructions of childhood and children's rights.