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**STRENGTHENING JUVENILE
RIGHTS OR DOING THE OPPOSITE:
THE LEGAL MYSTERIES OF THE
CHINESE JUVENILE JUSTICE
SYSTEM BEHIND THE “LI GANG-
RAPE CASE”**

Hongwei Zhang, Ph.D.

After a three-decade expansion since 1984, the Chinese juvenile justice, largely seen as a subsystem of general criminal justice, has reached a good scale, and the idea of “giving priority to education and supplementing it with punishment” has served as a fundamental principle. Encouraged by this, government officials have enacted more legal provisions to safeguard juvenile offenders’ rights. However, the one-sided principle of education first and punishment second often ignores legitimate requests arising from victims and the general public. In effect, this philosophy not only draws criticism to juveniles’ rights, it may also undermine fairness and justice in society as a whole. Advocating for and establishing a unified specialized juvenile justice system is unavoidable. Restorative approaches must be introduced to focus on juvenile offender

Zhang

accountability, offender competency development,
and community protection.

VISUAL DETECTION OF SEX OFFENDERS AND CONSEQUENTIAL BIASES AMONG CHRISTIANS

Carmen M. Cusack;
Matthew E. Waranius

This pilot study investigated whether biases influenced respondents' perceptions of a subject's history of sex offense convictions. Biased perceptions of subjects' religion, culture, ethnicity, or race may influence whether respondents believe that a subject has perpetrated a sex offense. Potential negative impacts for offenders include: hampered social dynamics, community coalescence, and rehabilitative aims. Biases may also affect criminal justice through witness bias or false conviction. Community members and potential victims may be negatively impacted by misperceptions of criminal history. Potential victims may be unable to identify sex offenders, causing them to misplace their trust in people who, to them, appear to be unthreatening. In addition, these potential victims may be biased against individuals who are less likely to perpetrate sex crimes. Communities and potential mating

populations could suffer from a lack of diversity due to unconscious bias. This knowledge is critical for communities, offenders, and potential victims.

This Article explains the foundation for this investigation and pilot study, which considered whether physical appearance evidences sex crime perpetration. Section II discusses facial features associated with non-traditional sexual preferences, sexual aggression, and sexual dominance. Section III, Methods, explains sampling and data collection strategies used to investigate relationships among race, bias, and perception of sex-offending. Section IV presents the data collected from surveying and Section V analyzes this data. Finally, Section VI, the Discussion Section, concludes that perception of sex offense perpetration may correlate with perception that a person is unlikely to be Christians. Methodological limitations of this pilot study, which may be improved for future studies, are described in Section VII.

**INHERENT RACIAL BIASES
WOVEN INTO AMERICA'S
CRIMINAL JUSTICE
INSTITUTIONS:
A REEXAMINATION OF TO KILL A
MOCKINGBIRD**

Joshua Brian Lanphear

This Article considers the concept of inherent racial biases woven into America's criminal justice institutions as reflected in Harper Lee's novels *To Kill a Mockingbird* and *Go Set A Watchman*. *Mockingbird*—published in 1960, but set in the 1930s, in the fictitious racist-south of Maycomb, Alabama—portrays this concept through the trial of Tom Robinson, a sympathetic African American accused of raping the white Mayella Ewell. Key representatives of Maycomb's institutions—Officer Heck Tate, Judge John Taylor, Mr. Gilmer, Atticus Finch, and Tom's jury—perpetuate these inherent racial biases throughout Tom's experience with the criminal justice system until he is ultimately killed under the sentence of the jury. *Watchman*—published in 2015, but set in the 1950s—provides further insight into the inherent racial biases

Lanphear

undermine our American criminal justice system, specifically through Lee's final portrayal of Atticus. I intend to use Lee's portrayals to rebut the assertion that African Americans receive colorblind justice in contemporary America. Ultimately, this Article will affirm the notion that America's criminal justice system is not colorblind; that inherent racial biases do in fact undermine various institutions within the American system.

ROBOTIC MARRIAGE AND THE LAW

Mark Goldfeder;
Yosef Razin

The United States, and the world at large, is in the midst of a family law revolution that will fundamentally change our very conception of family. Ethical challenges to age-old ideas have prompted people to ask foundational questions, such as how and why our most important personal relationships evolved. In a world where same-sex marriage has been legalized, it is only natural to wonder who marriage may include in the future.

At the same time, we are also living in an age of unprecedented technological innovation. The rise of smart machines and the incredible advances in robotics over the last few decades highlight that the difference between science fiction and science is closing with the passage of time. Social robots spend time with the elderly and the young. Robots can even experience a form of childhood. Robots now work in our factories and mines, and, career-wise, they can be anything from blue-collar prison guards to white-collar financial traders. Humans are already

forming deep and meaningful relationships with their artificial friends, and indeed many humans are becoming intrigued by the possibility, and increasing reality, of human-robot romance. Movies and TV shows such as *Her*, *Ex Machina*, *Humans*, and *AI* are just a small sample of the dynamics of this relationship spectrum, ranging from platonic love to prostitution.

The question that this essay deals with will extend these possibilities one step further with a simple thought experiment: Could it ever be possible for a human and a robot to legally wed in the United States? The second Section addresses whether robots could be legal persons subject to marriage laws in the United States. The third Section considers what it would mean for robots to be in loving relationships. Sections Four, Five and Six analyze three threshold requirements for marriages—consent, understanding and decision-making capacity—that robots would have to meet to qualify for a legal marriage. Our conclusions are laid out in Section Seven.

**REVIEWS OF TWO BOOKS
BY CARMEN M. CUSACK:
LAWS RELATING TO SEX,
PREGNANCY, AND INFANCY, AND
CRIMINAL JUSTICE HANDBOOK
ON MASCULINITY, MALE
AGGRESSION, AND SEXUALITY**

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LAWS RELATING TO SEX, PREGNANCY, AND
INFANCY. CARMEN M. CUSACK. NEW YORK,
NY: PALGRAVE MACMILLAN, 2015. 189 PP.

CRIMINAL JUSTICE HANDBOOK ON
MASCULINITY, MALE AGGRESSION, AND
SEXUALITY. CARMEN M. CUSACK, J.D., PH.D.
SPRINGFIELD, IL: CHARLES C THOMAS, 2015.
252 PP.

LSD Journal Book Reviewers

CONSTRUCTING LEGAL MEANING IN THE SUPREME COURT ORAL ARGUMENTS: CULTURAL CODES AND BORDER DISPUTES

Jeffrey Forest Hilbert

The role of the Supreme Court is to review and decide the constitutionality of legal issues decided in the lower courts. A key part of this process is the oral argument where the Justices attempt to establish the meanings and legal parameters of the issues they need to decide. The Justices use their questioning of the lawyers to tease out their arguments, test out their own ideas and use cultural codes and legal precedents to make sense of the issues of a case. These oral arguments provide an interesting space for Justices to directly interact with the law through discourse with the lawyers. Particularly interesting for sociological study, is how cultural codes are used to understand the law and its meaning in the oral arguments of the Supreme Court.

In order to assess the process, techniques and attributes of this discourse, it is important to have working definitions for the concepts involved. For the purposes of this study, cultural codes are

Hilbert

complex inter-related systems of meaning, about how the world works, how the world should work, and the expected rights and responsibilities of people in the world. The “cultural toolkit” contains the available ideas, norms, values and traditions which practical actors can use to make sense of themselves and others in given social contexts. Cultural tools are the socially circulating meanings and symbols available to specific actors in specific situations that provide the standpoint for the actors and the specific constructs of thought available to them. For the purposes of this study law is understood as the process or system of meaning by which social order (normative actions) are maintained and formalized. Using these concepts, I will review the oral argument in a 2010 Supreme Court case on the issue of whether California has the right to censor the sale of violent video games to minors in order to understand the sociological processes of constructing law through the discourse of oral arguments.

I will address two questions about the oral argument (1) How do the Justices use the cultural codes available to them to obtain and shape information beyond the written briefs submitted by the lawyers and friends of the court? (2) How do the Justices integrate cultural codes into the formal

legal setting? Exploring these questions will allow me to address characteristics that shape the issues as well as illustrate how the Justices utilize cultural codes as tools to assess and construct the parameters of the law. Before I can assess the oral argument as a meaningful space where the issues are shaped and understood through interaction, I will present the case to be reviewed, discussing how scholars understand oral arguments and offer a theoretical sociological background of cultural codes.