

**Journal of Law and Social Deviance**  
Volume Thirteen  
2017

Interdisciplinary and Independent Studies of  
Sociality, Deviance, and Law

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ISSN 2164-4721 (online)

ISSN 2165-5219 (print)

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# Journal of Law and Social Deviance

Volume Thirteen

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## ABSTRACT BOOKLET CONTENTS

Journal Contents.....iii

Double Glazed: Reflection, Narcissism, and Freudian Implications in Twincest Pornography

Carmen M. Cusack.....1

No Laughing Matter: Phantom Clowns, Moral Panic, and the Law

Nicholas Mignanelli, Susan Siggelakis.....3

A Study of the Responsibility Domain of States toward Human Rights Based on Rulings of the International Court of Justice and United Nations Draft Articles on Responsibility of States for Internationally Wrong Acts

Seyyed Amir Abbas.....5

The Juvenile Justice and Delinquency Prevention Act's Contempt Provision: Time to Amend

Max Schmitz.....6

Advance Comment: *Fish in the Bible*, by Carmen Cusack, JD, PhD

Dr. Mark Goldfeder, Esq.....10

Book Review: *Twins and Deviance: Law, Crime, Sex, Society, and Family*, by Carmen Cusack, JD, PhD

Joanne Wolf Small, MSW, LCSW-C.....11

# Journal of Law and Social Deviance

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## JOURNAL CONTENTS

Editor's Introduction.....i

Contribution.....ii

Double Glazed: Reflection, Narcissism, and Freudian Implications in Twincest Pornography

Carmen M. Cusack.....1

No Laughing Matter: Phantom Clowns, Moral Panic, and the Law

Nicholas Mignanelli, Susan Siggelakis.....68

A Study of the Responsibility Domain of States toward Human Rights Based on Rulings of the International Court of Justice and United Nations Draft Articles on Responsibility of States for Internationally Wrong Acts

Seyyed Amir Abbas.....118

The Juvenile Justice and Delinquency Prevention  
Act's Contempt Provision: Time to Amend

Max Schmitz.....147

Advance Comment: *Fish in the Bible*, by Carmen  
Cusack, JD, PhD

Dr. Mark Goldfeder, Esq.....177

Book Review: *Twins and Deviance: Law, Crime,  
Sex, Society, and Family*, by Carmen Cusack, JD,  
PhD

Joanne Wolf Small, MSW, LCSW-C.....179

## **DOUBLE GLAZED: REFLECTION, NARCISSISM, AND FREUDIAN IMPLICATIONS IN TWINCEST PORNOGRAPHY**

Carmen M. Cusack

This Article analyzes sociolegal and psychological implications of incest between twins, known as “twincest.” Section II, Part A outlines the *Miller* test. Section II, Part B analyzes legal theory behind governmental regulation of morality and twincest pornography. Point One under Part A of Section III explores fantasies and fetishization of twins in media and culture. Point Two of Part A in Section III discusses details of incest pornography and the most extensive list of freely accessible twincest pornography, ranging from erotic nude photos to hardcore videos depicting same-sex and opposite-sex twins participating in sexual activities. Part B in Section III evaluates psychoanalytic perspectives on the incest taboo, including case studies, to determine the significance of laws that criminalize twincest in light of voluntariness, coercion, and other considerations. Finally, Part C analyzes whether twin pornography could be found to be legally obscene



under Miller. Section IV concludes that incestuous pornography between twins could be held by courts to be legally obscene, but for unknown reasons, it is not routinely prosecuted like other fetish films.

## NO LAUGHING MATTER: PHANTOM CLOWNS, MORAL PANIC, AND THE LAW

Nicholas Mignanelli & Susan Siggelakis

In the summer and fall of 2016, people throughout the United States reported seeing clowns in unusual places. Standing silently along the side of a road, loitering on the outskirts of a playground, or wandering the center of town in the early hours of the morning, many of these clowns were described as menacing, often dressed in the style of the “evil clown” archetype. However—in the vast majority of cases—they did not give chase, attack, or commit any offense *malum in se*.

Despite this fact, the phenomenon was enough to induce a sense of terror in many people. An unlucky few bystanders and passersby directly observed this behavior. Many other people accessed trending photos and videos on social media sites, such as Facebook and Twitter. Consequently, police stations around the country received reports—most secondhand—of these terrifying sightings. While some people no doubt engage in this dress-up activity as a joke inspired by the social media frenzy, others may have

more sinister, albeit unknown, motives.

This Article begins with a discussion of the history of the clown and the contours of coulrophobia, the clinical fear of clowns. Next, this Article examines the possible criminal charges and civil actions that could be brought against these “evil clowns,” despite the absence of any overt criminal act or intent. Finally, this Article concludes by placing this phenomenon in the sociological context of “moral panic,” and warning against the temptation to use the powers of the state to punish these harlequin actors and others like them.

**A STUDY OF THE RESPONSIBILITY  
DOMAIN OF STATES TOWARD  
HUMAN RIGHTS BASED ON  
RULINGS OF THE INTERNATIONAL  
COURT OF JUSTICE AND UNITED  
NATIONS DRAFT ARTICLES ON  
RESPONSIBILITY OF STATES FOR  
INTERNATIONALLY WRONGFUL  
ACTS**

Seyyed Amir Abbas Ehterami

The international responsibility of States toward human rights is a major concern in today's legal and political arenas. This issue refers to the vital role of States in enforcing human rights and the concerns resulting from illegal intervention in the internal affairs of countries in order to defend such human rights. The present research addresses identifying the responsibility of States toward human rights; clarifying the domain of obligation of each State toward human rights; and specifying the extent by which the global community is entitled to react to States' conduct in order to defend human rights.

## **THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT'S CONTEMPT PROVISION: TIME TO AMEND**

Max Schmitz

Adolescents are at a unique stage of biological development that compromises their ability to make the same rational decisions that are expected of adults. Despite the scientific and legal recognition of adolescent's diminished decision making capabilities, many of these children are sent to out of home placements for relatively minor offenses.

Specifically, children may be punished and, under certain circumstances, removed from their homes for committing "status offenses," which are offenses that are only punishable due to the offender's status as a juvenile. Juvenile status offenses include truancy, running-away from home, being ungovernable or incorrigible, violating curfew, and alcohol possession or consumption.

Repeat offenders create a serious conundrum for the system. A juvenile who repeatedly commits status offenses may create stress and frustration for the juvenile's family and others invested in

Schmitz

the juvenile's life. Repeat status offenders may create similar headaches for the educational and legal systems and consume their valuable time and resources. Residential placement is often a traumatic experience for a juvenile and places the child at risk for a multitude of negative effects. Depriving a child of freedom and forcing the child to vacate his or her home is a substantial infringement on a child's life.

With these concerns in mind, in 1974, Congress enacted the Juvenile Justice and Delinquency Prevention Act (hereafter, the "JJDP Act" or the "Act"), in part, to curb the routine placement of status-offending youth in residential facilities. Under the Act, states must develop policies that comply with the Act's requirements in order to receive a formula grant. The Act provides that states must use at least 75% of its federal funding for: (1) community-based alternatives to incarceration and institutionalization; (2) comprehensive juvenile justice and delinquency programs; (3) educational programs and support services for juveniles; (4) expanding the use of probation officers "particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home"; (5) deterrence programs; and many other programs and services for juveniles and their families. However, under

the Act, states may place status-offending youth in residential facilities for violating a court order that prohibits the child from committing the status offense. In effect, only the method of residential placement has changed: the court must first order the child not to commit the status offense, then a subsequent violation confers power on the court to order residential placement. Under this provision, many youth who commit status offenses are still sent to out-of-home placements. The contempt provision is hotly debated and the effectiveness and fairness of the provision has received attention from national news sources.

Considering the adverse effects of residential placement and the relatively minor nature of status offenses, the JJDPa should be amended to: (1) require states to implement diversion programs prior to filing a petition for a status offense; and (2) eliminate the contempt provision in order to curb juvenile status offenders' placement in residential facilities. Section II analyzes the legal background for this problem. Section III discusses adolescent physiological development in order to establish the importance of legal recognition of behavioral and biological immaturity of adolescents, further discussed in Section IV. Section V analyzes the negative effects

of residential placement; and, finally, Section VI advocates for courts to implement a valid court order provision. The Article's final two sections make recommendations and draw conclusions.



**ADVANCE COMMENT: *FISH IN THE BIBLE*, BY CARMEN CUSACK, JD, PHD**

Dr. Mark Goldfeder, Esq.

*Fish in the Bible* is a fascinating read precisely because the author does what any good fisherman would: Cusack lures the readers in with something familiar- in this instance each chapter focuses on a narrative or reference that almost any student of religion already knows- and then with a sudden shift she elevates the conversation to a totally different plane, explaining how and why various interpretations arose, and how and why one ought to fish these literary devices themselves to find the deeper meanings hidden below their seemingly clear surface waters. The Bible tells us (Proverbs, 27:19) that, “As a face is reflected in water, so the heart reflects the real person,” and Cusack’s writing proves that with all of the intentional ambiguity available, a person’s intuitive understanding of the fish narratives and how they are meant to be internalized probably reflects and says more about their own heart than about the words of the text itself.

Goldfeder

**BOOK REVIEW: *TWINS AND  
DEVIANCE: LAW, CRIME, SEX,  
SOCIETY, AND FAMILY*, BY CARMEN  
CUSACK, JD, PHD**

Joanne Wolf Small, MSW, LCSW-C

In *Twins and Deviance: Law, Crime, Sex, Society, and Family*, author Carmen Cusack, JD, PhD, states, “Twins deviate from the norm the moment that they are conceived.” As a result, she extensively explores what it is to be a twin, or parents, family members, friends, teachers, or acquaintances of twins, living in a world dominated by singletons. Cusack introduces readers to the complexity surrounding popular scientific and societal definitions of twins, including when the word describes a cellular division or a familial relationship. She refers them to centuries of mythical, historical, romanticized, and fanaticized notions propelled by human fascination with twins’ otherness, where sometimes twins appear as heroes. Nonetheless, society often sees twins “as being divided halves,” who “deviate from societal norms.” Even when their behavior conforms to personal and family role models set on societal standards for singletons.

Small

Cusack also introduces readers to the dark world of twins, and pornography, and criminality, proposing that societal fantasies about twins may be normal, but may also be aberrant. She explores problems unique to twins when waging a criminal defense. For instance, “DNA evidence may be used to convict an identical twin for a crime committed by a twin.” Cusack suggests “the justice system is increasingly challenged by radicalization of reproduction...and [t]wins’ welfare may be compromised in cases where science is more advanced than current law.” In Chapter Three, “The Twins,” she concludes “Twins are frail due to shared gestational environments, and ... may necessitate additional care and support from conception through adulthood.”

Most importantly, Cusack exhaustively informs readers to the social impact the “twin” label carries. *Twins and Deviance: Law, Crime, Sex, Society, and Family* “analyzes how the word’s meaning influences perception and behavior within families, healthcare, and justice systems, religion, and society.”