

## SPECIAL ISSUE INTRODUCTION: DEVELOPMENTAL SCIENCE IN CRIMINAL LAW, PART I

Roger J.R. Levesque\*

The past few years have witnessed dramatic developments in how criminal law and justice processes address youth development. For example, some trends move toward granting youth more autonomy to exercise their rights, whereas others move toward granting youth increased protection because they are deemed unable to act autonomously. These sometimes conflicting developments are not new. Yet this journal somehow managed to miss engaging them. The closest we have come has been to address legislation relating to bullying, raising the age of sexual consent, and judging children's credibility.<sup>1</sup> Those articles certainly made important contributions, but they did not address directly how empirical understandings of youth could influence legal responses. This special issue does just that.

This special issue has resulted from consultations with researchers trained in both developmental science and law. Not surprisingly for a journal devoted to criminal law and its processes, this special issue offers articles

---

\*Roger J.R. Levesque, J.D., Ph.D. serves as the Editor-in-Chief of the *New Criminal Law Review*. He is a professor of Criminal Justice at Indiana University, and teaches both in the College of Arts and Sciences and the Maurer School of Law. His research currently focuses on intersections between adolescents' rights and developmental understandings of youth.

1. James Maguire, "Everyone does it to everyone": *An Epidemic of Bullying and the Legislation of Transgression in American Schools*, 16 *NEW CRIM. L. REV.* 413 (2013); Janine Benedet, *The Age of Innocence: A Cautious Defense of Raising the Age of Consent in Canadian Sexual Assault Law*, 13 *NEW CRIM. L. REV.* (2010); Fiona E. Raitt, *Judging Children's Credibility: Cracks in the Culture of Disbelief, or Business as Usual?*, 13 *NEW CRIM. L. REV.* 735 (2010).

centering on sex and violence, and sometimes both together. Still, the articles do not speak with one voice, as they reveal considerable complexities and nuances. Some suggest giving youth special protections, others champion treating them more like adults, and some argue for treating adults more like youth; some rely on legal principles as given to determine best outcomes for all involved, while others look to societal perceptions to adjust legal responses and rethink legal principles. The articles add to the journal's increasing interest in empirical examinations of law, as illustrated by recent work addressing the unintended effects of empirical evidence (such as neuroscience) and its limitations (such as risk assessments),<sup>2</sup> as well as empirical analyses of legal processes<sup>3</sup> and how those processes can inform empirical agendas.<sup>4</sup> Like the articles before them, the current set makes for compelling reading as it helps us understand more fully the many ways developmental science can inform law and demonstrate the benefits of interdisciplinary approaches.

---

2. Emad H. Atiq, *How Folk Beliefs about Free Will Influence Sentencing: A New Target for the Neuro-Determinist Critics of Criminal Law*, 16 *NEW CRIM. L. REV.* 449 (2013); Tamara Rice Lave, *Controlling Sexually Violent Predators: Continued Incarceration at What Cost?*, 14 *NEW CRIM. L. REV.* 213 (2011).

3. Regina A. Schuller, Blake M. McKimmie, Barbara M. Masser, & Marc A. Klippenstine, *Judgments of Sexual Assault: The Impact of Complainant Emotional Demeanor, Gender, and Victim Stereotypes*, 13 *NEW CRIM. L. REV.* 759 (2010); Louise Ellison & Vanessa E. Munro, *A Stranger in the Bushes, or an Elephant in the Room? Critical Reflections Upon Received Rape Myth Wisdom in the Context of a Mock Jury Study*, 13 *NEW CRIM. L. REV.* 781 (2010); Joanna Jamel, *Researching the Provision of Service to Rape Victims by Specially Trained Police Officers: The Influence of Gender—An Exploratory Study*, 13 *NEW CRIM. L. REV.* 688 (2010).

4. Carol Withey, *Rape and Sexual Assault Education: Where is the Law?*, 13 *NEW CRIM. L. REV.* 802 (2010).