

Twins and Deviance

Twins and Deviance:

*Law, Crime, Sex, Society,
and Family*

By

Carmen M. Cusack

Cambridge
Scholars
Publishing



Twins and Deviance: Law, Crime, Sex, Society, and Family

By Carmen M. Cusack

This book first published 2016

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Copyright © 2016 by Carmen M. Cusack

All rights for this book reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright owner.

ISBN (10): 1-4438-9694-2

ISBN (13): 978-1-4438-9694-8

TABLE OF CONTENTS

Acknowledgements	vii
Introduction	1
Chapter One..... Pornography	10
Chapter Two..... Criminals	27
Chapter Three..... “The Twins”	51
Chapter Four..... Criminal Defenses	59
Chapter Five..... Body Modification	66
Chapter Six..... Prison	78
Chapter Seven..... Mind	83
Chapter Eight..... Animals, Organisms, and Human Anomalies	101
Chapter Nine..... Problematic Multiples	115
Chapter Ten..... Incest	126

Chapter Eleven	136
Heroes	
Chapter Twelve	143
Consent	
Chapter Thirteen	150
Domestic Violence	
Chapter Fourteen	159
Sex and Parentage	
Conclusion.....	167
Index.....	172

ACKNOWLEDGMENTS

Aardvarks, Zebras, African grey parrots, Alligators, Alpacas, American Crows, American Goldfinches, American Redstarts, American Robins, American Wigeons, Amphibians, Ants, Armadillos, Arthropods, Aphids, Asian Black Bears, Asian Grey Shrikes, Asiatic Lions, Asses, Baboons, Badgers, Bald Eagles, Banana Slugs, Bank Swallows, Barn Swallows, Barracudas, Bats, Bears, Beetles, Beavers, Bed Bugs (little, middle, and bigger), Bees, Beetles, Beige and Brown delicate insects, Bewick Wrens, Birds, Black Bears, Black-Bellied Whistling-Ducks, Black-billed Magpies, Black Birds, Blackbirds, Black-Capped Chickadees, Black Fish, Black-Headed Grosbeaks, Black-Legged Kittiwakes, Black Lizards, Black Panthers, Blackpoll Warblers, Black-throated Blue Warblers, Blacktip Reef Sharks, Black Turnstones, Black Vultures, Blue-and-Yellow Macaws, Blue Grosbeak, Blue Herons, Blue Jays, Blue Lizards, Blue Whales, Blue-and-White Flycatchers, Boa Constrictors, Boars, Boat-Tailed Grackles, Bobcats, Bobolinks, Bonobos, Bot Flies, Brewer's Blackbirds, Bridled Terns, Bronzed Cowbirds, Brown-Headed Cowbirds, Brown Lizards, Brown Thrashers, Bugs, Bull Sharks, Bumblebees (Giant Bumblebees), Bushtits, Butterflies, Canada Geese, Cardinals, Carolina Chickadees, Carolina Wrens, Caterpillars, Catfish, Cats, Cattle Egrets, Caymans, Centipedes, Cephalopods, Cerulean Warblers, Cheetahs, Chestnut-Backed Chickadees, Chestnut-Sided Warblers, Chihuahuan Ravens, Chimps, Chipmunks, Chipping Sparrows, Cichlids, Clams, Cliff Swallows, Clownfish, Cobras, Cockatiels, Cockatoos, Cockroaches, Common Grackles, Common Mynas, Common Pochards, Common Ravens, Conch Shells, Cooper's Hawks, Copperheads, Coral, Cougars, Cow Killers, Coy-Wolves, Coyotes, Crabs, Crane Flies, Cranes, Crayfish, Crescent-Chested Warblers, Crickets, Crocodiles, Crows, Crustaceans, Cuban Black-Birds, Cubs, Dark-Eyed Juncos, Deer, Dingoes and Carolina Dogs, Dogs, Donkeys, Doves, Dragonflies, Dripping White Moths, Ducks, Dusky Flycatchers, Earwigs, Eastern Bluebirds, Eastern Diamondback Rattlesnakes, Eastern Kingbirds, Eastern Screech-Owls, Eastern Towhees, Eels, Eggs, Egrets, Elephants, Elk, Elm Leaf Beetle, Emperor Penguins, European Starlings, False-Killer Whales, Feral animals, Ferrate, Field Sparrows, Fire Bugs, Fish, Fish Crows, Flamingos, Fleas, Flies, Flycatchers, Flying Fish, Fork-Tailed Flycatchers, Frogs, Frontosas,

Fungi, Garter Snakes, Geckos, Geese, Gerbils, Giant Leopard Moth (and Caterpillar), Giant Rabbits, Giraffes, Gnats, Goats, Golden Eagles, Golphers, Gorillas, Grackles, Grasshoppers, Greater Antillean Grackles, Great-Tailed Grackles, Great Blue Herons (female/male), Green Geckos, Green Lizards, Greenland Sharks, Grey Animals, Grey Catbirds, Grey Warblers, Grey Whales, Grizzlies, Grizzly Bears, Groove-Billed Anis, Grosbeaks, Groundhogs, Grubs, Guanacos, Guineafowls, Guinea Pigs, Gull-Billed Terns, Guppies, Hammerhead Sharks, Hamsters, Hares, Harrier Hawks, Hawks, Hedgehogs, Herring, Hill Mynas, Hippopotamuses, Hissing Cockroaches, Honeybees, Honey Badgers, Horned Larks, Hornets, Horses (Clydesdales and Broncos), Horse Flies, House Flies, House Finches, Hummingbirds, Humpback Whales, Hyenas, Inch Worms, Indigo Buntings, Insects, Jaguars, Jellyfish, Jolietts, Jumping Fish, Katydids, Killdeers, Killer Whales, Koalas, Komodo Dragons, Lady Bugs, Large Cats, Lark Buntings, Lark Sparrows, Larks, Leaches, Leach's Storm-Petrels, Lemon Sharks, Lemurs, Leopards, Leucospid Wasps, Lice, Lionesses, Lionhead Rabbits, Lions, Little Blue Herons, Little Gulls, Lizards, Llamas, Lobsters, Locusts, Loggerhead Kingbirds, Long-Neck Cranes, Long-Tailed Jaegers, Lovebugs, Macaques, Macaws, Mack, Maguari Storks, Makos, Malabar Larks, Mallards, Mammals, Manatees, Mandrillus sphinxes, Mangabeys, Marmosets, Marsupials, Meadowlarks, Mice, Millipedes, Mississippi Kites, Mockingbirds, Moles, Mollusks, Mongoose, Monkeys, Moose, Mosquitos, Moss, Mountain Lions, Mourning Doves, Mules, Northern Mockingbird, Northern Harrier Hawks, Northern Rough-Winged Swallows, Northern Shovelers, Northern Pintails, Northwestern Crows, Nurse Sharks, Nutria, Octopus, Olive-Striped Flycatchers, Opossums, Opossums, Orange-Crowned Warblers, Orange Potter Wasps, (orange) Orangutans, Orcas, Orioles, Ospreys, Ostriches, Otters, Owls, Oysters, Painted Redstarts, Pandas, Parrots, Peacocks, Pelicans, Penguins, Phainopeplas, Pheasants, Pigeons, Pigs, Pileated Woodpeckers, Pine Warblers, Piping Plovers, Piranhas, Planthoppers, Polar and Grolar Bears, Porcupines, Portuguese Man-of-War, Praying Mantises, Primates, Pumas, Purple Gallinules, Pythons, Rabbits, Raccoons, Rams, Rats Ritz (Rat 202 and 212), Rattlesnakes, Ravens, Redbirds, Red Birds, Red Slugs, Red Warblers, Red, Yellow, Blue, Brown, Black, Silver, or Green Garter Snakes, Red-Breasted Nuthatches, Red-Footed Boobies, Red-Headed Woodpeckers, Red-Tail Hawk Cockatoos, Red-Tailed Hawks, Red-Throated Parrot Finches, Red-Winged Blackbirds, Reptiles, Rhinoceroses, Ring-Tailed Lemurs, River Otters, Robins, Rock Pigeons, Roosters & Hens, Rose-Breasted Grosbeaks, Ruby-Throated Hummingbirds, Rust Lizards, Rusty

Blackbirds, Sabine's Gulls, Sabota Larks, Salamanders, Salmon, Sandhill Cranes, Sand Sharks, Sanderlings, Sandpiper, Scarabs, Scarlett Macaws, Scarlett Rosefinches, Scrub Jays, Seagulls, Sea Lions, Semi-plated Piping Plovers, Semipalmated Sandpipers, Sharks, Sheep, Shells, Shiny Cowbirds, Shore Larks, Shrimp, Siler Fish, Skunks, Silver Fish, Slugs, Smooth-Billed Anis, Snails, Snakes, Snapper Fish, Snowy Egrets, Snowy Owls, Song Sparrows, Sparrows, Sperm Whales, SPIDERS (engine), Sponges, Spotted Eagle Rays, Spotted Towhees, Squids, Squirrels, Stags, Starfish, Starlings, Stingrays, Stock Pigeons, Storks, Sugar Gliders, Sun Bears, Swallows, Swallow-Tailed Kites, Swans, Tamarins, Tanagers, Tapirs, Tarantulas, Tennessee Warblers, Termites, Terriers, Thayer's Gull, Three-Striped Warblers, Thrushes, Ticks, Titmice, Toads, Torpedo Bugs, Toucans, Towhees, Townsend's Warblers, Tree Swallows, Tricolored Blackbirds, Tufted Titmice, Tree Frogs, Tuna, Turkeys, Turkey Vultures, Turtle Doves, Turtles, Two-Lined Spittlebugs, Voles, Vultures, Walruses, Warblers, Wasps, Water Moccasins, Western Bluebirds, Western Spotted Skunks, Western Tanagers, Whale Sharks, Whales, White Ants, White Birds, White-Breasted Wood Wren, White Collared Seedeaters, White-Crowned Sparrows, White Ibis, White Squirrels (Brevard, North Carolina), White-Tailed Hawks, White-Tailed Kites, White-Throated Sparrows, Whitetip Reef Sharks, White Whales, Woodchucks, Wood Ducks, Whooping Cranes, Wolverines, Wolves, Woodpeckers, Woolly Mammoth, Worms, Wrens, Yellow-Billed Magpies, Yellow-Headed Blackbirds, Yellow Jackets, Yellow Lizards, Yellow-Rumped Warblers, Yellow Warblers, Zebra-Tailed Lizards, and ALL other earthlings, creatures, kinds, gems, pebbles, and shells.

Thank you to Ralphe Cusack for editing, writing, ideas, and proofreading

Cover art "Snowclone" by Carmen M. Cusack

INTRODUCTION

The word “twin” has been used to describe cell division, simultaneous gestation of two fetuses, and a relationship between two people. *Twins and Deviance: Law, Crime, Sex, Society, and Family* studies intersections between varying definitions, laws, and procedures, which are challenged or must be reworked effectively to respond to twins. Twins may seem to deviate from societal norms because they are perceived as being divided halves—two humans from one gestation. Among singletons, for example Americans trained to pledge allegiance to “one nation under God, indivisible,” a divided person may seem to go against or fail to embody society’s ideals. For example, mothers of twins may feel as if they delivered a divided entity (Cherro, 1992). One study found that parents were bothered by their view of twins as being flawed; and as a result, they constantly reaffirmed their relationships. Validation was dependent on parents’ need to differentiate twins while unifying them. Introjections and projections, including expectations and fantasies, were exaggerated by parents’ attempts to avoid confusing twins with co-twins. Parents’ primordial desire to recover an integrated singleton appeared to manifest when parents trained twins to be complementary opposites. Contrary to these findings, the phrase “two are better than one” seems to ring true among singletons. For example, double or twin objects and concepts play roles in fingerprinting, weapon design, and aircraft engineering (e.g. twin loops, twin barrels, and twin engines, respectively). Yet, society is not convinced that twins are always good. Stories abound about evil twins, such as twin murderers or alter egos (e.g. Dr. Jekyll and Mr. Hyde) (Gibney, 2010). Recent technological innovations further correlate society and evil twins. Grams, a search engine allegedly designed to be Google’s evil twin, searches Dark Net marketplaces and may be used to find weapons, child pornography, documents, and other contraband (Cusack, 2014). Evil twin hacking reroutes Internet traffic from a legitimate website to a hacker’s website. This mechanism may be used for illegal purposes, such as spying and stealing. The term, evil twin hacking, symbolically relates to cases of twin undercovers and hackers conducting espionage, cyberwarfare, vigilantism, terrorism, social media exploitation, and to cases of twins hacking their co-twins (Cusack, 2015).

Twins' bodies and minds may be described as "deviant" even when deviation from singletons conforms to societal, familial, and interpersonal roles. Courts and communities grapple with how fairly to treat, process, and respond to phenomena correlating with physical, social, and interpersonal manifestations of twinhood. Despite their synchronicity, in some cases it would be unfair to judge and analyze twins as a unit. The media eagerly reports fascinating stories to the public about twin criminals, victims, patients, and authority figures involved in an array of unusual or unfortunate circumstances, such as those involving rape, paternity, fraud, and incest. Society may have unsympathetic attitudes towards twins because they are individuals and a duo.

Even though the word "twin" may be used to describe numerous concepts ranging from breasts and chimeric marmosets to martyrs and body doubles, the word "twin" most generally refers to identical (i.e. monozygotic) and fraternal (i.e. dizygotic) twins. *Twins and Deviance: Law, Crime, Sex, Society, and Family* examines identical and fraternal twins, not necessarily to compare or contrast them, but to investigate society's expectations. Identical twins may closely and effortlessly appear to fulfill society's idea of twinhood, yet experience sequestration. Although fraternal twins may feel particular pressures to identify with and exhibit twinhood like identical twins, their individual genes may provide them with opportunities for comparatively greater independence. However, primordial competition may be greater between fraternal twins. This may result because fraternal twins in separate amniotic sacs with distinct placentas developed in a crowded womb. Identical twins are two entities. However, they develop from the same set of genes and share their gestational environment. Most identical twins share one placenta and amniotic sac.

In a sense, the word "twin" may be misleading when it is used exclusively to denote having parents and gestational environments in common. It may inadequately reflect subtext and variation. *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. *Twins and Deviance: Law, Crime, Sex, Society, and Family* also analyzes labels and terms used to refer to twins, such as in vitro fertilization, multiples, conjoined twins, and chimeras, which contextualize twinhood, duplicity, authenticity, individuality, and identity.

Human civilization may always have ascertained the significance of the human condition from observations about twins and duality (McKee,

2005). Examples of myths from ancient civilizations and cultures throughout the world paint honorific and damning portraits.

Analysis of the myth of...twins reveals the deep roots of the dualistic conception in South American culture. Its remote origins can be recognized in tribal organization, then in the cross between the ancient Indian culture and that of the Guarani Indians, and finally, in the contacts between Spanish and Indian. The latter event reflects a deep psychic ambivalence, bordering on mistrust and dissociation (Yampey, 1963).

In Africa, “Mandulis, celebrated in the Temple of Kalabsha, had solar associations and was paired with his twin, Breith. The divine brothers were often depicted as human-headed falcons” (Bianchi, 2015). Indigenous creation myths throughout the Americas have depicted good and evil twins representing terrestrial phenomena, animals, senses, life, and death. Twinhood may be depicted as symbiotic or polarized forces, such as evil and good. Depictions of twins may not negate realities of actual twins’ individualities and humanity, but rather, express inner conflict and fantasies. Mythological representations may also demonstrate self-acceptance and rejection, which are essential to creating order in human society.

The twins as opposite and conflicting forces are found in many Native North American cultures. The Algonquin of Canada tell of...twins Glooskap and Malsum....Many Tewa Indians of the Southwest have the tale of the War Twins, grandsons of Spider Grandmother, who together represent a reprehensible human tendency to want to undermine creation by making war. The Yuma of Arizona say that the creator...was born...as twins—one good and one bad....[T]he Banks Islands['] ‘Mother Stone’ gives birth to the wise Quat and the foolish Tangaro who fight for dominance. The...New Hebrides people have a similar myth, in which the wise twin is the creator and the second twin is a devil figure who must be exiled. The Mande of Mali have a complex myth in which the creator makes seeds for two pairs of twins—each set composed of a male and a female in the world egg. A struggle eventually emerges between a bad twin, Pemba and a good twin, Faro. The second type of twin myth stresses the sacredness of the twins, who are almost always culture heroes....The African Dogon myth...tells of a cosmic egg...that produces two birth sacs, each with a set of male and female twins, each member of which contains the elements of the opposite sex as well....Among the Batak of Sumatra in Indonesia....[a] boy-girl combination as twins...suggests a kind of androgyny that represents unity of purpose and being—the transcendence of the opposites of duality....The [Mesoamerican] Mixtec twins help the people to understand their role in creation. The Mayan Xbalanque and Hunahpu are conceived miraculously....In South America the Guarani of Brazil tell how the creator made Our Mother (Earth), who gave birth

to...twins....In the Native North American land above Mesoamerica, there are many sacred twins as well. The Kiowa son of the Sun was broken in two and became culture hero twins. The Papago female culture hero gives birth to twin culture heroes who are killed by evil forces. The Hopi creator Tawa and the goddess Spider Woman...produced sacred twins who worked for the people. In nearby Acoma and Laguna the twins are women...[who] emerge from the lower world into the present world....Twins play a large and complex role in Navajo mythology. First Man and First Woman produced several sets—all but one made up of a male and a female who eventually act as man and wife to produce the people, although they are warned to keep their incest secret. The one set that is not male and female is the firstborn set, a pair of hermaphrodites....The Sioux maiden who survived the great flood married the Eagle, Wanblee, and gave birth by him to twins—a boy and a girl—who would become the necessarily incestuous parents of the Sioux nation (Leeming, 2009, pp. 358-359).

The Indo-European “twin deities Frey and Freya represent the function of peace and fertility” (Strmiska, 2015). “Artemis, Apollo’s twin sister, was... [a] protectress of wild animals” (Salisbury & Aldrete, 2015).

Plato’s *Symposium* discussed conjoined twins from whom humans were made (Plato, 1956). The sexes were originally double-male, double-female, and male-female. They were too strong, so Zeus cut them in two.

[T]he original human nature was not like the present, but different. The sexes were not two as they are now, but originally three in number; there was man, woman, and the union of the two, having a name corresponding to this double nature, which had once a real existence, but is now lost, and the word ‘Androgynous’ is only preserved as a term of reproach. In the second place, the primeval man was round, his back and sides forming a circle; and he had four hands and four feet, one head with two faces, looking opposite ways, set on a round neck and precisely alike; also four ears, two privy members, and the remainder to correspond. He could walk upright as men now do, backwards or forwards as he pleased, and he could also roll over and over at a great pace, turning on his four hands and four feet, eight in all, like tumblers going over and over with their legs in the air; this was when he wanted to run fast. Now the sexes were three, and such as I have described them; because the sun, moon, and [E]arth are three; and the man was originally the child of the sun, the woman of the [E]arth, and the man-woman of the moon, which is made up of sun and [E]arth, and they were all round and moved round and round: like their parents. Terrible was their might and strength, and the thoughts of their hearts were great, and they made an attack upon the gods..., as Homer says, dared to scale heaven, and would have laid hands upon the gods. Doubt reigned in the celestial councils. Should they kill them and

annihilate the race with thunderbolts, as they had done the giants, then there would be an end of the sacrifices and worship which men offered to them; but, on the other hand, the gods could not suffer their insolence to be unrestrained (Plato, 1956).

At last, after a good deal of reflection, Zeus discovered a way. ‘Methinks I have a plan which will humble their pride and improve their manners; men shall continue to exist, but I will cut them in two and then they will be diminished in strength and increased in numbers....They shall walk upright on two legs....’ He spoke and cut men in two, like a sorb-apple which is halved for pickling, or as you might divide an egg with a hair; and as he cut them one after another, he bade Apollo give the face and the half of the neck a turn in order that the man might contemplate the section of himself: he would thus learn a lesson of humility. Apollo was also bidden to heal their wounds and compose their forms. So he gave a turn to the face and pulled the skin from the sides all over that which in our language is called the belly, like the purses which draw in, and he made one mouth at the centre [sic], which he fastened in a knot (the same which is called the navel); he also moulded [sic] the breast and took out most of the wrinkles...; he left a few, however, in the region of the belly and navel, as a memorial of the primeval state (Plato, 1956).

The two separated halves instantly became physically and emotionally infatuated with each other. Twins were preoccupied with their co-twins to the point of self-neglect. However, when a twin would perish, the co-twin would seek a mate.

After the division the two parts of man, each desiring his other half, came together, and throwing their arms about one another, entwined in mutual embraces, longing to grow into one, they were on the point of dying from hunger and self-neglect, because they did not like to do anything apart; and when one of the halves died and the other survived, the survivor sought another mate, man or woman as we call them, being the sections of entire men or women, and clung to that. They were being destroyed, when Zeus in pity of them invented a new plan: he turned the parts of generation round to the front, for this had not been always their position and they sowed the seed no longer as hitherto like grasshoppers in the ground, but in one another; and after the transposition the male generated in the female in order that by the mutual embraces of man and woman they might breed, and the race might continue; or if man came to man they might be satisfied, and rest, and go their ways to the business of life: so ancient is the desire of one another which is implanted in us, reuniting our original nature, making one of two, and healing the state of man (Plato, 1956).

St. Augustine of Hippo's neoPlatonic discussion indicates that twin myths about trinities developed before--and were influential on--Christian theology (St. Augustine, 1991).

We...were climbing up, so to say, step by step, to search within the inner man for an appropriate trinity in each of these spheres, just as we had previously searched within the outer man, in order by training the mind at these lower levels to come in our small measure to a sight of that trinity which God is, at least in a puzzle and in a mirror, if of course we can manage even this much (St. Augustine, 1991, p. 368).

The Christian trinity may relate to Plato's reference to the sun, Earth, and moon or to the original three sexes.

According to St. Augustine, Plato's myth may be compatible with the Christian doctrine of original sin. Descendants from Plato's twins may possess dominant sexual preferences, such as desire to commit adultery or to abstain from marriage.

Adam...had implicated the human race in his own sin....In the same way, or any other way he wished, he could have created another one to conquer the conqueror of the first....What was born...was a man who had not and never would have any sin at all, a man by whom would be reborn those who were to be set free from sin, who could not themselves be born without sin.

For while it is true that the carnal desire dwelling in the genital organs is made good use of by married chastity, still it has its involuntary motions which show that...it could not have been present at all in paradise before sin (St Augustine, 1991, p. 365).

Adam and Eve disobeyed God and were exiled from the garden (Genesis 3:1-24; St Augustine, 1991). Yet, subsequent humans were reprieved, like Zeus taking pity.

Like other creation myths, Adam and Eve were described as being part male and female. Although Eve may have been Adam's genetic clone, they were not same-sex twins.

Then God said, 'Let Us make man in Our image, according to Our likeness....God created man in His own image, in the image of God He created him; male and female He created them. God blessed them; and God said to them, 'Be fruitful and multiply, and fill the earth'' (Genesis 1:26-28).

God caused a deep sleep to fall upon the man, and he slept; then He took one of his ribs and closed up the flesh at that place. The Lord God fashioned into a woman the rib which He had taken from the man, and

brought her to the man. The man said, ‘This is now bone of my bones, [a]nd flesh of my flesh; She shall be called Woman, Because she was taken out of Man.’ For this reason a man shall leave his father and his mother, and be joined to his wife; and they shall become one flesh. And the man and his wife were both naked and were not ashamed (Genesis 2:21-25).

In Hebrew, the plural term for “gods” (i.e. “*Elohim*”) is used (Frymer-Kensky, 1993). Adam and Eve were created by male and female gods, who were Adam’s mother and father.

Mythology and tradition indoctrinate members of society to accept the significance of duality and doubles. For example, the Yoruba have specialized rituals for twins, including depicting a deceased twin with an effigy (Cusack, 2015). Tales in Judaism and Islam describe doubling, for example, a male and female of each kind of animal boarded Noah’s ark. Mystical sects (e.g. Sufism and Kabbalah) may interpret the number two to reflect doubt, harmony, balance, or shadow. Buddhists and Taoists may visualize a yin and yang symbol to balance monastic rules with meditation; and to understand conflict and coalescence in particularism and monism (Heine, 2008; Heine, 2014). Focusing on the third eye *chakra* may open the fourth eye *chakra*. Through energetic channels, *ida* and *pingala*, *kundalini* flows from the lower *chakras* to bliss. The serpent symbolizes *kundalini* in yoga and Satan in Christianity.

Twin studies have been described as a gold standard because they compare experimental groups to controls. However, typical twin studies inadequately define “twins” and broadly generalize twinhood. Therefore, their premises may be specious. For example, one premise of twin studies is that monozygotic twins are identical. However, they may have significant differences that are unaccounted for, including exposure to different hormones during gestation, mutations, multiple placentas, and microchimerism. These differences could significantly alter identicalness.

Twin studies may contribute to legal fields. For example one study concluded that likelihood of criminality increases for a twin when a co-twin is a criminal (Boisvert, 2014). Crime rates among identical and fraternal twins (i.e. twin coefficient) have been compared to singletons. Factors, such as demographics, traits, and environment, are analyzed for patterns, such as amenability to reform and deterrence. A common model is the ACE where A is additive genetics, C is common environment, and E is unique environment; or an ADE model with D representing dominance. Generally, twin studies attempt to control for environmental factors because twins rarely are reared apart. Yet, for this reason, twin studies have been cautiously viewed by some critics because twins’ influence on co-twins is complex. Qualitative methods may be beneficial because

“[t]wins are special cases of ‘two,’ in that their relationship is qualitative not quantitative” (Brodersen, 2012). However, twin experiments have also been scrutinized and treated scornfully because twins were tortured by Nazis (e.g. Josef Mengele) (Walker, 2015). Despite this tragedy, ethical twin studies offer intriguing opportunities to study effects of law, crime, sex, society, and family.

References

- Bianchi, R. S. (2015). Religious beliefs of Nubians: Ancient world. In *Daily Life through History*.
- Boisvert, D. (2014, January 22). Biosocial explanations of crime in *The Encyclopedia of Criminology and Criminal Justice*. Hoboken, NJ: Blackwell Publishing Ltd.
- Brodersen, E. (2012). In the nature of twins: A study of the archetypal realm of universal duality, opposition and imitation between the ‘first’ and ‘other’ in creation myths. *International Journal of Jungian Studies*, 4(2), 133-149.
- Cherro, M. (1992). Quality of bonding and behavioral differences in twins. *Infant Mental Health Journal*, 13(3), 206-210.
- Cusack, C. M. (2014). *Pornography and the Criminal Justice System*. New York, NY: CRC Press.
- . (2015). Best interest fact-or-fiction: Considering deception and danger facing children whose parents work undercover. *Journal of Law & Social Deviance*, 9, 303-353.
- . (2015). *Laws Relating to Sex, Pregnancy, and Infancy: Issues in Criminal Justice*. New York, NY: Palgrave Macmillan.
- Frymer-Kensky, T. (1993). *In the Wake of the Goddesses: Women, Culture and the Biblical Transformation of Pagan Myth*. New York, NY: Ballantine Books.
- Gibney, A. (2010). *Client 9: The Rise and Fall of Eliot Spitzer*. Magnolia Pictures.
- Heine, S. (2008). *Zen Skin, Zen Marrow: Will the Real Zen Buddhism Please Stand Up?* Oxford, UK: Oxford University Press.
- . (2014). *Like Cats and Dogs: Contesting the Mu Koan in Zen Buddhism*. Oxford, UK: Oxford University Press.
- Leeming, D. A. (2009). Twins in Creation. In *Creation Myths of the World: An Encyclopedia, Second Edition*. Santa Barbara, CA: ABC-CLIO.
- McKee, M. (2005, March 16). Genes contribute to religious inclination. *New Scientist*. Retrieved from

<http://www.newscientist.com/article/dn7147-genes-contribute-to-religious-inclination.html#.VNkXLebF8ms>

Plato. (1956). *Symposium*. London, UK: Pearson Publishing.

Salisbury, J. E. & Aldrete, G. S. (2015). Deities of Greece: Ancient World. In *Daily Life through History*. Strmiska, M. F. (2015). Paganism in pre-Christian Europe. In *Daily Life through History*.

St. Augustine. (1991). *The Trinity*. Hyde Park, NY: New City Press.

Walker, A. (2015, January 28). The twins of Auschwitz. BBC News. Retrieved from <http://www.bbc.com/news/magazine-30933718>

Yampey, N. (1963). *El mito de los gemelos en la cultura indoamericana*. *Acta Psiquiátrica y Psicológica Argentina*, 9(3), 193-206.

CHAPTER ONE

PORNOGRAPHY

Introduction

Pornography is deviant, but twin pornography significantly violates traditional boundaries. Sexual depictions of twins are taboo and may reduce twins to narcissistic fantasies. The government may not specifically criminalize twin pornography. However, explicit and patently offensive depictions of illegal sexual conduct are obscene. Yet, the government may not consider depictions of twin incest (i.e. “twincest”) to be any more offensive than obscenity involving singletons. Lack of prosecution may implicitly seem to disregard social and psychological problems associated with twincest. Twin victims of sexual exploitation raise particular legal issues.

Child Pornography

Child pornographers (i.e. pedophiles) are mentally ill individuals, who may see depictions of exploited children as reflections of their own images (Bach, 2011). A narcissistic fantasy may become more powerful when pedophiles look at depictions of twins because pedophiles may roleplay as a twin and fantasize that a co-twin is a perfect reflection.

Child pornography of twins memorializes sexual exploitation and fetishizes twins. Twins are rarer than singletons, which may cause child pornographers to value exploitive depictions of twins (Cusack, 2014; U.S. v. Brown, 2009). Pedophiles may gain access to twins for hands-on offenses and then pornographize and fetishize them (People v. Davis, 2009). However, most child pornographers exploiting twins also exploit singletons even though they fantasize about twins and fetishize them (U.S. v. Arndt, 2010).

Child victims may be depicted while in public, wearing swimwear, bathing, or in other scenarios that do not immediately indicate whether a photographer clearly intended to exploit children and break the law. In these cases, U.S. courts may rely on *Dost* factors to determine whether

images are exploitive (U.S. v. Dost, 1986). For example, in one case, a step-grandfather was tried for pictures that he allegedly took of his twin step-granddaughters in a bathroom when they were between the ages of two years-old and three years-old (U.S. v. Brown, 2009). Depictions of the twins' heads had been eliminated from some of the photos, and some of the images focused on the twins' genitals. When he was arrested, the step-grandfather had been in possession of approximately 1,500 child pornography depictions downloaded from the Internet. The step-grandfather defended his exploitation of the twins by explaining that the depictions were innocent family photos. He asked for the court's leniency by claiming that he had

only a ninth grade education, [had] on two previous occasions been evaluated as borderline mentally retarded, [and] was...abused as a child...[However, he] had undergone a competency evaluation in which he indicated that he understood the wrongfulness of his conduct...[and] was able to demonstrate significant sophistication in his use of computers (U.S. v. Brown, 2009, p. 686).

To find him guilty, the *Brown* court analyzed two issues (U.S. v. Brown, 2009). First, they analyzed the *Dost* factors to determine whether the photos were taken with lascivious intent (U.S. v. Brown, 2009; U.S. v. Dost, 1986). Second, the court analyzed whether the step-grandfather could be convicted for crimes against the twins even though the specific identity of each twin was undeterminable in some photos (U.S. v. Brown, 2009).

Dost factors need not be articulated in a court's analysis, and they are not dispositive or an exhaustive list (U.S. v. Dost, 1986). The factors applied in this case are the following:

- 1) whether the focal point of the visual depiction is on the child's genitalia or pubic area;
- 2) whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity;
- 3) whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;
- 4) whether the child is fully or partially clothed, or nude;
- 5) whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity;
- 6) whether the visual depiction is intended or designed to elicit a sexual response in the viewer (U.S. v. Dost, 1986, p. 832).

Together and separately the twins appeared to be naked in a bathroom, in a bathtub, on a toilet, and on a bed (U.S. v. Brown, 2009). Graphic focus

was placed on a twin's genitals in six of the photos. In one image, a twin was laying on her back while spreading her labia with her hands. The court determined that the step-grandfather created lascivious images because his *modus operandi* to convert family photography into child pornography was typical in cases applying *Dost* factors. For example, in *People v. Riggs* (1999),

One tape...depicts two young girls, twins aged ten, playing while defendant is allegedly videotaping their play. The camera is focused exclusively on the girls' crotch areas; their faces cannot be seen. At one point, one of the children exposes her vaginal area. Defendant is alleged to have edited the tape to focus on, slow down, and replay this scene. The image of the girl's genital area was depicted on the screen for over two minutes. Defendant is alleged to have made copies of his edited version of the original tape (*People v. Riggs*, 1999, p. 587).

The defendant asked the appellate court to find that the lower court erred by convicting him of exploiting two victims when the state had failed to prove beyond a reasonable doubt that he had exploited the twins. However, the court analyzed the second issue. "Defendant acknowledged that the images were of his twin step-granddaughters and that he took the pictures while he was home alone with them" during a time period in which he was their legal guardian; and "he permitted one or both...twin girls to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct" (*U.S. v. Brown*, 2009, p. 676). Pedophiles intentionally may degrade twins and twinhood by producing child pornography of a twin while a co-twin is helplessly forced to observe, but in this case the court concluded that the defendant intended to produce lascivious images of the twins.

The complexity in this case arises because Defendant's twin step-granddaughters are identical twins who are virtually indistinguishable in photographs. Because the picture that is most clearly lascivious does not include both girls, it is difficult to look at any one photograph and determine whether Defendant exploited more than one minor. Although some of the less graphic pictures and videos seized from Defendant's home show both girls, the district court did not determine whether those pictures were lascivious at Defendant's first sentencing hearing (*U.S. v. Brown*, 2009, p. 676).

The court's subsequent analysis of the twins' identities coalesced with the *Dost* factors (*U.S. v. Dost*, 1986). The district court held that the twins had been exploited in two lascivious videos depicting both victims being fed whipped cream while bathing. However, the appellate court applied the

Dost factors to those depictions and disagreed with the district court because the girls were merely nude (U.S. v. *Dost*, 1986). The appellate court upheld the conviction because several images focused on the twins' genitals, which were prominently centered. The fact that the photos excluded their heads suggested to the appellate court that the step-grandfather intended to focus on their genitals. The appellate court reasoned that even one of the *Dost* factors could be used to find that these photos were lascivious. Yet, deficient analysis may result in an unjust conviction. They applied the *Dost* factors and analyzed whether evidence outside the four corners of each depiction could be used to find lasciviousness (U.S. v. *Dost*, 1986).

The setting of most of the photographs—the bathtub, the toilet, and the floor—is not sexually suggestive, and the majority of the poses do not appear to be unnatural. We are therefore compelled to assess whether the district court could have properly looked beyond the four corners of the photographs (U.S. v. *Brown*, 2009, pp. 681-682).

The appellate court considered whether intent to exploit children may be ascertained in the context of several images or specifically must be determined for each photo; whether an analysis of intent ought to be objective or subjective; and whether the analysis should be conducted from the perspective of the defendant or an average viewer. The court held that subjective intent to exploit children is relevant even though it is not an element required by law because circumstantial evidence could exonerate defendants. Although it may be possible to conclude by examining evidence beyond the four corners that a producer had lascivious intent, courts may not find intent to produce exploitive images simply because a viewer was aroused. When finding subjective intent, “conclusory bootstrapping” is impermissible (U.S. v. *Brown*, 2009, p. 683). The court cannot assume that because a defendant was later aroused by the photos the defendant must have had lascivious intent while producing the photos. An innocent photographer cannot be punished for producing material that happens to cause arousal because that would criminalize protected speech. Yet, the court looked beyond the four corners of each photo to find that the step-grandfather possessed subjective intent. The court held that lasciviousness could not be imputed by past bad acts because that would threaten fairness. Weighing a defendant's past conduct would violate due process because the defendant could not be convicted for acts other than those for which the defendant was prosecuted. They found that possession of other child pornography did not demonstrate intent to exploit one or both twins even though the step-grandfather burned to a compact disc

several photos of the twins along with child pornography downloaded from the Internet. However, the defendant had acknowledged his lascivious intent in a previous plea agreement.

The court decided that the quantity of images depicting nudity and genitalia was the most compelling evidence that the photos were produced with lascivious intent.

First, there are over seventy photographic images and three video images of the step-grandchildren, each of which depicts one or both of the girls fully nude in the bathtub, standing in the bathroom, sitting on the toilet, lying on the carpet, or lying on a bed. The photographs capture the girls from a variety of angles, with a general tendency to focus on the girls' genitals. If there were a handful of photographs of a naked child playing in the bathtub, it could be believed that a picture inadvertently focused on a child's genitalia. Here, however, the sheer number of photographs in which the girls' genitals are prominently visible suggests that photographs were taken to elicit a sexual response in the viewer (U.S. v. Brown, 2009, p. 684).

The most lascivious photo only depicted one twin, but several photos could have been found to be lascivious. The court doubted that the defendant had taken innocent family pictures because the lascivious photo supplied context to the other photos of the twins. The number of photos depicting the twins together provided evidence that lascivious photos were taken of both twins. Approximately half of the photos depicted the twins together while no evidence demonstrated that the step-grandfather took lascivious photos of only one twin. The photos were sequential having occurred on the same occasion. Some photos depicted the twins in the same settings (e.g. bed and bathroom). Therefore, the court held that the step-grandfather likely exploited the twins.

Analyses of twins' identities may be relevant to damages because courts could analyze effects of being recognizable (Cusack, 2014). Depictions of a co-twin could cause a case of mistaken identity. In *Paroline v. U.S.* (2014), the U.S. Supreme Court discussed how lower courts should find fault and measure damages in child pornography cases when a victim's image has been uploaded by one person and may be viewed on the Internet and downloaded by people, who may recognize the victim.

The required restitution would be a reasonable and circumscribed award imposed in recognition of the indisputable role of the offender in the causal process underlying the victim's losses and suited to the relative size of that

causal role. This would serve the twin goals of helping the victim achieve eventual restitution for all her [or his] child-pornography losses and impressing upon offenders the fact that child-pornography crimes, even simple possession, affect real victims (*Paroline v. U.S.*, 2014, p. 1727).

In *Paroline v. U.S.* (2014), the victim's uncle produced pornographic depictions, which became widely circulated images viewed online and downloaded countless times; and the depictions could not permanently be deleted from the Internet or every computer. The victim demanded \$3 million in damages from her uncle. The district court denied relief under federal law because damages were not statutory, but the appellate court held the victim's uncle liable for all of her damages. The U.S. Supreme Court granted *cert.* and established analytical guidelines, but not rigid criteria for determining the amount of damages to be paid. The Court reasoned that each past and future defendant in possession of the victim's photo may have broken the law, but her uncle had created and distributed the depictions. In order to avoid minimizing or unfairly attributing culpability, lower courts should analyze proximate cause using relevant factors. The Court recommended that lower courts should find causation and damages relating to production, transmission, distribution, and possession offenses.

[D]istrict courts might, as a starting point, determine the amount of the victim's losses caused by the continuing traffic in the victim's images[,]...then set an award of restitution in consideration of factors that bear on the relative causal significance of the defendant's conduct in producing those losses. These could include the number of past criminal defendants found to have contributed to the victim's general losses; reasonable predictions of the number of future offenders likely to be caught and convicted for crimes contributing to the victim's general losses; any available and reasonably reliable estimate of the broader number of offenders involved (most of whom will, of course, never be caught or convicted); whether the defendant reproduced or distributed images of the victim; whether the defendant had any connection to the initial production of the images; how many images of the victim the defendant possessed; and other facts relevant to the defendant's relative causal role [Internal citations omitted] (*Paroline v. U.S.*, 2014, pp. 1727-1728).

Lower courts may consider the victim's uncle to be liable for damages insofar as his offenses were the proximate cause of the victim's damages; but a defendant ought not to be held liable for damages when causal links are attenuated. *Paroline v. U.S.* (2014) does not address whether twins could claim damages stemming from images depicting co-twins that could be construed to depict exploitation of the twin. Defendants may not be

held liable for wrongs that they did not commit. Yet, when images may cause the public to believe that a twin had been exploited because the victim's true identity is unknown or because twins were present, then courts may find negligent or intentional infliction of emotional distress. However, courts may identify which twin was depicted before awarding damages directly stemming from exploitation. Analogous to twins' problem of mistaken identity, courts have been split as to whether defendants are culpable for child pornography when the face of an identifiable child has been synthesized with a pornographic depiction of an adult's body (18 U. S. C. § 1462, 2016; 18 U. S. C. § 1466A, 2016; 18 U. S. C. § 2252A, 2016; *Ashcroft v. Free Speech Coalition*, 2002; *Cusack*, 2011; *Cusack*, 2014; *People v. Gerber*, 2011; PROTECT Act, 2003; *U.S. v. Bach*, 2005; *U.S. v. Hotaling*, 2011). Exploitive images of a co-twin may damage a twin if the public believes that a twin has been exploited. Producers may be held liable for causing the mistake. However, particular defendants, whose mistakes damage the twin, cannot be held responsible for every other defendant's mistake.

Adult Pornography

Twins are frequently fetishized by pornography even though they represent less than three percent of the population. Despite alleged immorality, taboo, and criminality occurring during twincest pornography, hundreds of twins purportedly have appeared together in nude and sexual depictions without being prosecuted. The following list provides 171 examples of twincest pornography (*Cusack*, 2016):

1. Adam and Konrad Richter
2. Airi and Meiri
3. Alex (Jo) and Alan Fisher
4. Amanda and Sandy Bentley
5. Angelica and Veronica Bella
6. Anis and Nicole
7. Anna and Anne Sharp
8. Anna Michelle and Katja (Anja and Katja)
9. Aron and Artur
10. Ashley and Alicia
11. Ashley and Angel Long
12. Aston Twins
13. Aubrey Twins
14. Barron Twins

15. Beatriz and Bianca
16. Beatriz and Branca Feres (Bia and Bianca)
17. Bernardo and Bruno
18. Bianca and Tamara
19. Boston Twins
20. Brazilian Twins (males)
21. Brazilian Twins (females)
22. Brazilian Twins (females)
23. Brian and Brent Taylor
24. Brian and Eric Carlin
25. Brian and Matt Studding
26. Britney and Whitney Stevens
27. Brooke and Taylor Young
28. Brooke and Vikki
29. Brown Beret Twins
30. Bryan and Ryan
31. Bucci Twins
32. Cali Marie and Cherish Milton (Giggle and Jill)
33. Camila and Mariana Davalos
34. Carl and Greg Origh (Sylvan Twins)
35. Carlos and Caio Carvalho
36. Carol and Darlene Bernaola
37. Casey and Cody
38. Cayden and Crista Moore
39. César and Juan Hortonedá
40. Chantel and Chloe Stevens
41. Chase Twins
42. Chris and Ryan Zaffino
43. Christine and Mandy
44. Cleo and Camille
45. Cody and Lucas Connor (Dustin and Darren)
46. Conklin Twins
47. Crystal and Jocelyn (The Potter Twins)
48. Da Meat
49. Daniela and Luchy
50. David and Daivis Fernandes
51. Dean and Dave Resnick (Dayle and Doyle Tonneson)
52. Débora and Denise Tubino
53. Deisy and Sarah Teles
54. Denise and Diana Sloan(e)
55. Denuvare and Daniel Hanlin

56. Dick and Dennis Darby
57. Diego and Thiago Homci
58. Donnie and Ronnie
59. Drew and Derek Riker
60. Ebony Twins
61. Elena and Irina
62. Erica and Rachelle Drummond
63. Ethan and Eli(e)
64. Eveline and Silvia Dellai
65. Facundo and Rodrigo
66. Felicia and Alex
67. Felipe and Fernando Lopes
68. Flavio and Gustavo Mendonca
69. Futanari Twins (Shemale Twins)
70. Gabriel and Oscar Peron (Odyssey Twins)
71. German Twins
72. Gio and Dio (Rafael and Ralfi)
73. Havana and Savana Ginger
74. Heather and Amber Langley (Porcelain Twinz)
75. Hung Twins
76. Hunter and William Treadwell
77. Jade and Nyomi Marcela
78. James and Peter (Scorpio Twins)
79. Jamielea and Analise
80. Jared and Jacob Fetterolf (Jayden and Jess Joshua; Jesse and Joshua Long; Liam and Luca Rosso)
81. Jaycee and Apone Tama
82. Jaymes Twins
83. Jayney and Jade (Louise and Ann McCormick)
84. Jean and Daniel Lautrec (Alex and Ian Lynch; Fabrizio and Fernando; Jack and James LaCroix; Mangiatti Twins)
85. Jeff and John
86. Jennifer and Natalie Jo Campbell
87. Jirka and Karol Bartok
88. Joel and Kevin Baker
89. John and Joe Benson
90. Jolie Twins
91. Jorge and Jariel Naranjo Vichot
92. Joseph and Roberto Karlstein (Mercury Twins)
93. Kara and Khloe
94. Kate and Anne Madsen

95. Keith and Derek Brewer
96. Kit and Kat Lee
97. Klaudia and Laura
98. Kristina and Karissa Shannon
99. Kyle and Kris Ross
100. Kyle and Lane Carlson
101. Lelu Twins
102. Les Soeurs Jumelles
103. Liena and Svetlana
104. Lino and Aldo Belucci
105. London and Paris
106. Luba and Nadya Shumeyko
107. Lucy and Nyla (Thai Twins)
108. Luis and Carlos Mendez
109. Lyndsey and Lacey Love (Vivid Love Twins)
110. Madeleine and Mary Collinson
111. Mallory and Maria
112. Mandy and Mindy McCoy (Texas Twins)
113. Marcio and Marcos Patriota
114. Marina and Melissa Mayer
115. Mariza and Lena Walker
116. Marlo(n) and Andro Andrus
117. Martin and Jacob
118. Matt and Mark Woods
119. Micky and Ajay
120. Miller Twins
121. Milo and Elijah Peters
122. Mimi and Teagan
123. Mirjam and Karin Breeschooten
124. Missy and Mandee Taylor
125. Missy Nicole and Adrienne
126. Mocha and Chocolate
127. Monicca and Silva Sin (Taste Me Twins)
128. Morgan and Nash (Texas Twins)
129. Natasha and Pamela
130. Nathalie and Stephanie
131. Nathan and Nick (The Aussie Twins; Travis and Jessie)
132. Nicholas and Campbell Pletts
133. Nicolai and Boris Otov
134. Olga and Alena (Anarchy Twins; Misha and Sasha; Russo Twins; The Russian Twins, and several other names)

135. Olsen Twins
136. Pasha and Sasha
137. Paul and Sean Prince
138. Pedro and Guilherme França
139. Peter and Jean Bazelan
140. Preeti and Priya
141. Rachel and Dana (Bambi Twins)
142. Rafaella and Graziella Fornazieri Gueicha
143. Rhylee and Rhyse Richards (Richardson),
144. Ricardo and Pedro Guedes
145. Richard and Raymond
146. Rikki and Vikki (Ikki Twins)
147. Riley and Samantha
148. Rochelle and Shae
149. Rodinei and Rodrigo Santana
150. Romi and Raylene (Noma and Diya; Noma and Gia Hill; Kathleen and Priscilla Bass)
151. Roxy and Rachel Apple
152. Rubin and Reval Minnekhanov
153. Sandrine and Christelle
154. Shaina and Shana Simpson (Katie and Kelly Cameron)
155. Shane and Sia Barbi
156. Shelly and Simfany Brooks
157. Spice Twins
158. Suzy and Tasha Sybian
159. Taleon and Keyontyli Goffney (Rome and Casanova)
160. Tati (Tatti) and Taylor Russo
161. Tatted Twins
162. Taylor and Jade
163. Taylor Twins
164. Thurman and Sidney Sewell (ATL Twins)
165. Tim and Christopher Christy
166. Tina C and Lina F
167. Tito and Santi Ponsi (Ponce Twins)
168. Tonya and Rea French
169. Travis and Troy Cannata
170. Ukraine Twins
171. Viviann and Sofianne

Some acts on the list intentionally may misrepresent their relationship. Pornographers may use the word “twin” to describe similar performers.