

**Accidental Deaths: the Violence of Representing Childhood in  
*Law & Order: Special Victims Unit*  
by Morgan Genevieve Blue**

The broadcast of Casey Anthony's trial for murder captivated many in recent months, and her acquittal sparked public ire, blaming a lack of evidence for the jury's inability to convict.<sup>1</sup> As the trial came to a close, speculation arose over whether or not Anthony would be offered her own reality TV show or be able to profit from her daughter's mysterious death by offering interviews to networks willing to pay or by selling her story. That remains to be seen, but one public relations writer claims, "One thing you can count on is a *Law and Order* episode "based" on this case with a nice disclaimer that the story is not real. And they won't have to pay anyone a dime."<sup>2</sup> And it wouldn't be the first time *Law & Order—Law & Order: Special Victims Unit (SVU)*, in this case—would capitalize on Anthony's story.<sup>3</sup> Some have argued that it is unlikely that a television network would agree to pay for her story or produce a show that focuses on her life after the trial, expressly because "just talking about capitalizing on the death of a child feels dirty. Profiting in any way won't sit well with anyone. It seems wrong..."<sup>4</sup> What makes this case and its potential reproduction in popular media forms especially compelling, then, is the specter of Caylee Anthony, the toddler whose tragic death has aired family secrets and whose lack of vindication makes her a haunting symbol for the inefficacy of U.S. systems of justice. In *SVU*'s early adaptation of Casey Anthony's story, a season ten episode called "Selfish," Caylee (renamed Ciara) is represented in photos and video footage, her face plastered on t-shirts and screens. Though a measles outbreak caused Ciara's death and her mother's trial is dispatched two-thirds of the way through the episode as the narrative evolves into a battle over parents' rights, the image that returns throughout is that of smiling, young Ciara—"the truly innocent victim," according to the show's Assistant District Attorney (played by Stephanie March). Through plot twists and complications, Ciara haunts the narrative, invoked in name, in photo, and rhetorically during moments of heightened dramatic tension. This repeated use of the child's image, evidenced across a multitude of different episodes, calls into question just how childhood is constructed in relation to violence on *Law & Order: SVU* and what might be the ideological ramifications of such constructions.

### ***SVU & TV Realism***

---

<sup>1</sup> Multiple media outlets have referred to the "CSI effect" as a possible explanation for Anthony's acquittal, positioning jurors as disappointed in the lack of scientific evidence while naturalizing the impossible expectations raised by the effects-heavy presentation of evidence in television programs like *CSI*.

<sup>2</sup> Selig at <http://www.prnewschannel.com/2011/07/06/comments-on-casey-anthony-trial-from-crisis-management-public-relations-and-entertainment-pr-expert/>

<sup>3</sup> Episode 19 of season 10, "Selfish," aired on April 28, 2009, guest starring Hilary Duff as Ashlee Walker, a character inspired by Casey Anthony, whose daughter's body was found in December 2008 after she'd been missing for several months.

<sup>4</sup> Selig

Set to air its thirteenth season this fall (2011), *Law & Order: SVU* is an award-winning police procedural and drama that attracts audiences in primetime and late-night line-ups on NBC, as well as in cable syndication. A spin-off of America's longest-running primetime drama, *Law & Order* (1990-2010), *SVU* is part of a narrative franchise<sup>5</sup> long-distinguished from other crime and legal dramas by its claims to incorporate stories "ripped from the headlines." Many episodes refer to criminal cases in the news. For instance, "Starved" includes a debate between a young woman's mother and her murderous husband over whether or not she should remain on life support, which calls to mind coverage of the battle over the removal of Terri Schiavo's feeding tube.<sup>6</sup> And "Storm" deals with the abduction of three children from New Orleans, who lost their parents in Hurricane Katrina.<sup>7</sup> Regardless of fleeting disclaimers before or following some episodes warning of the fictional nature of the story, its characters and events, *SVU* relies heavily on crimes depicted in the news to draw audiences for all of its storylines—whether or not they directly relate to specific headlines. Its focus on sexually based offenses frequently involving children makes *SVU* a compelling case for analyzing the ideological functions of the imagined child in relation to the state of childhood in American culture.

Set in contemporary New York City, *SVU* finds as its focus the work of two police detectives, investigating violent and sexual crimes and advocating for the rights and safety of their victims who represent a range of class and racial differences, ages, religious affiliations, and lifestyles. The pleasures offered by realist fictional television such as this are often based on the story's apparent seamlessness, usually provided by editing and cinematography. And these conventions of production also work for creating 'realistic' news programming. In order to present the appearance of a coherent, unedited segment or story, televised news employs similar camera work and editing, such as the shot/reverse shot to establish point of view and the insertion of reaction shots.<sup>8</sup> This intersection between different representations of the "real" calls into question the ideological function of the fictional show that adapts stories from actual events reported in the news. "Ideology and realism are inseparable."<sup>9</sup> Certainly, *SVU* gains a degree of credibility by claiming relevance to contemporary social issues raised in the news. And there is evidence of congruity between news reporting and the narratives concurrently in the collective awareness, including what is popular on television.<sup>10</sup> "The realism of the image directly affects its believability and thus is a vital part of the cultural form

---

<sup>5</sup> The most recent primetime incarnations of the franchise (which also includes a series of video games and a made-for-TV movie) are *Law & Order: Criminal Intent* which aired from 2001-2007 on NBC, then moved to the USA Network and *Law & Order: LA* which was canceled after only one season in 2011.

<sup>6</sup> *New York Times* online accessed on 01/12/2009:

<http://query.nytimes.com/gst/fullpage.html?res=9C04EED9143FF93AA3575BC0A9679C8B63>

<sup>7</sup> Over 5,000 children went missing after Hurricane Katrina. *New York Times* online accessed 01/12/2009:

<http://www.nytimes.com/2006/03/01/national/nationalspecial/01missing.html>

<sup>8</sup> Fiske, 29

<sup>9</sup> Fiske, 34

<sup>10</sup> While it is not my project to determine the connections between episodes and real-life events, one book by Kevin Dwyer and Jure Fiorillo does just that. *True Stories of Law & Order: Special Victims Unit* documents some of the episodes from the first eight seasons of *SVU* that reference actual crimes in the news.

through which the ideological practice operates.”<sup>11</sup> Disparate realist representations are connected via the ideological work of television—or rather via the work of ideology that engages those who view and interpret televisual representations.

Despite its many claims to realism, a content analysis of the show’s fifth season (2003-2004) reveals that, like most popular television programming, *SVU* does not accurately represent the racial diversity of its locale. Researchers found that 44% of *SVU* victims during that season were under 18 years old—legal minors—and 37% were female.<sup>12</sup> “According to the U.S. Census 2000 just over one-half (54%) of the individuals who lived in Manhattan, New York are white, on *SVU* almost three-quarters (72%) of all the characters are white.”<sup>13</sup> In her research on girlhood in popular culture, Valerie Walkerdine asserts that it is the blonde, middle-class girl who appears to be most in need of adult protection, and that the working-class girl “threatens the safety of the discourse of the innocent and natural child. She is too precocious, too sexual.”<sup>14</sup> While the notion of the blonde (assumed to be white) female child as most vulnerable has dominated Western discourses about children, several *SVU* episodes (including “9-1-1,” which is discussed in detail below) do manage to complicate this a bit by representing children of color in middle class families and by frequently relating the work of the detectives to protect working-class and impoverished children—both boys and girls and not exclusively white. It is important to acknowledge the complicated identity politics at work in the program as it struggles to offer realistic depictions in a commercial medium like network television that often requires adherence to hegemonic, normative ideologies and representations. In order to illustrate some moments at which *SVU* both upholds and subverts such ideologies, I have selected a few episodes from a broader sample of eight seasons of the series. Since my interest lies in representations of children and childhood, the episodes analyzed here foreground children in distinct ways. The episodes selected for this discursive and narrative textual analysis, and contextualized a bit in the following paragraphs, exemplify some of the ways in which the body of the child and the discourses of remembered or imagined childhoods function, through violence, as vessels for adult anxieties.

*SVU*’s second season aired on U.S. broadcast television network NBC from fall 2000 through spring 2001 and marks an early turning point in the diversity of recurring characters in the series. This season sees the departure of one character of color, detective Monique Jeffries (Michelle Hurd), and the arrival of another, detective Fin Tutuola (played by Ice-T), which is significant in that the role is expanded to eventually incorporate into the ongoing narrative arc issues from Tutuola’s personal life, providing a bit more racial diversity among the detective squad. In fact, this program frequently presents nonwhite characters in positions of prominence, skill, and expertise as authorities on the show, though the most prominent cast of detectives Elliot Stabler (played by Chris Meloni) and Olivia Benson (Mariska Hargitay), Captain Donald Cragen (Dann Florek), and the overwhelming majority of the show’s Assistant District Attorneys

---

<sup>11</sup> Fiske, 34

<sup>12</sup> Britto, Hughes, Saltzman & Stroh, 47

<sup>13</sup> Britto, Hughes, Saltzman & Stroh, 44

<sup>14</sup> Walkerdine, 4

(including Stephanie March as Alexandra Cabot, Diane Neal as Casey Novak, among many others)<sup>15</sup> are all coded as white and middle-class. Airing in the year following the Y2K millennial panics, during the final days of the 2000 presidential campaigns and the first election and inauguration of George W. Bush, just one year prior to the attacks on the twin towers and the pentagon, episodes in this season cover issues such as Taliban “honor killings,” child abuse, religiously motivated serial crime, kidnapping, rape, and murder, several of which are adapted from crime stories in the news. Having been produced during a time of historic change, nationwide political tension, and increasing international conflict, this season is rich for analysis and provides, in “Baby Killer,” one of the few episodes that treats the child as both victim and criminal in the context of racially motivated urban warfare.

The seventh season of *SVU* aired from fall 2005 through spring 2006 and tackles controversial issues such as child pornography, internet predators, teen sexuality, HIV/AIDS, hate crimes, obesity, incest, and abduction, as well as debates over the nature of pedophilia, mental illness, and psychiatric drug use, and the rights to life of fetuses and of persons in a persistent vegetative state. In multiple episodes, characters discuss whether or not sex offenders—pedophiles in particular—can be rehabilitated. Detectives Benson and Stabler consistently advocate for the rights and well-being of the children whose cases they investigate and feel strongly that sex offenders can never change, while forensic psychiatrist, Dr. Huang (played by B.D. Wong), argues that pedophilia is not biological, but a social and cultural problem. Ultimately, their questions and concerns remain unanswered. Panic over pedophilia and child sex abuse persists in the news, focusing more and more on the ways in which children may be endangered by new technologies. Thus, this season of *SVU* offers episodes about tech-savvy criminals, dangerous online predators, and child pornography. *SVU* stays current by feeding on contemporary issues in mainstream news and may add fuel to the fires under related moral panics.<sup>16</sup> The seventh season offers one very compelling episode that deals with child sex trafficking and another that confronts homophobic bullying in “9-1-1” and “Alien,” respectively. Along with “Baby Killer,” mentioned above, these episodes allow for discussion of distinct, yet fluid, discursive constructions of the child in *SVU*.

## Imagining the Child

Before embarking on analysis, it is necessary, first, to explore how I use the terms “child,” “childhood,” and “victim,” and what those terms have come to signify for myself and for other scholars. The American child is an amalgamation of imagined and lived experiences and a shifting, ideological, discursive, social construct—a way to differentiate persons who are in the most visible state(s) of physical, mental, and

---

<sup>15</sup> Other members of the alternating cast of ADAs include Michaela McManus as Kim Greylek, Melissa Sagemiller as Gillian Hardwicke, Angie Harmon as Abbie Carmichael, along with a host of others who appeared in four or fewer episodes.

<sup>16</sup> An interesting example is the impact of false testimony about a non-existent episode of *Law & Order* (though not *SVU*) in the Andrea Yates case. *New York Times* online accessed 01/12/2009: <http://query.nytimes.com/gst/fullpage.html?res=9902E7DC1139F934A35752C0A9639C8B63&sec=health>

emotional development, but are assumed to have not yet experienced puberty and therefore lack not only certain mental and emotional capabilities, but also, and perhaps most significantly, sexuality. Though such differentiation promotes dichotomous thinking and prejudice based on age and abstractions like maturity level, it would be misguided to ignore the conventional discourses of childhood.

The terms “child” and “children” in this paper refer to the imagined prepubescent child who is generally construed as being asexual and therefore innocent; the term “youth,” then, refers to the sexual adolescent or teen.<sup>17</sup> As James Kincaid argues, “Faced with the growing ease of access and frequency of sexual activity among young people...we may well have shifted innocence more decisively backward, onto younger and yet younger people. Along with innocence, we have loaded them with all its sexual allure.”<sup>18</sup> While the child may be generally presented as asexual in popular media, the culture of erotic innocence that creates such representations can make the child an object of desire. Constructed within popular imagination under late capitalism, this child, then, is a complex of contradictions.

The discursive child is both innocent and beguiling, at once naïve and wise, always/already vulnerable, feminized, and inevitably victimized yet asexual, resilient, capable, and forgiving. For some, “Childhood is about impotence and weakness. Acceptable victimization is part of the visual repertoire with which the concept of childhood crosses and influences the concepts of race and class” (Holland, 159). If childhood is inextricable from victimhood, then victimization must also be conceptualized here in relation to the intersecting forms of marginalization, oppression, and violence that distinguish childhoods. The images of children discussed in this essay convey not only physical violence and endangerment of children, but also the formative and destructive power of the inequalities of age, race, gender, and socio-economic class status that each child faces to a differing degree. But the child victim is not without contradiction. Though frequently imagined as victims, children also resist. Children disrupt the discursive ideals constructed around and through them. “The image of childhood poses the problem of generations, of continuity and renewal. Children are expected to mature into the established patriarchal order, yet they stand as a threat to that order” (Holland, 20). The child is not simply a tragic figure of victimhood languishing under the weight of oppression or danger. When the child expresses herself, she challenges the systems that objectify her. Victimization prevents some children from symbolizing unlimited hope for the future, but children’s resistance to victimization alters notions of what childhood can be and may even be recuperated among adults as justification for such hopefulness.

Christopher Jenks argues that Western societies no longer cling to the dependent child for a vision of a promising future, but rather rely on the child to reciprocate trust, respect, and love, having recognized the unattainability of such a future. He states that

---

<sup>17</sup> If the prepubescent child is defined by its lack of sexuality, then the adult is defined by its perceived knowledge and experience of sex and/or a greater degree of physical development, but also, legally, as any person aged 18 years or over.

<sup>18</sup> Kincaid, 54

“Children are now seen not so much as ‘promise’ but as primary and unequivocal sources of love, but also as partners in the most fundamental, unchosen, unnegotiated form of relationship. The trust that was previously anticipated from marriage partnership, friendship, class solidarity and so on, is now invested more generally in the child.”<sup>19</sup> I would argue that, in the context of *SVU*, certain tenets of the idealized modern child do hold fast in post-modernity, such as the child as a symbol of futurity, longing, hope, and potential. If the child is now brought into partnerships with adults, acquiring certain rights and/or responsibilities, it also continues to function as a receptacle for adult hopes and desires. The child is envisioned as innocent until corrupted by time, knowledge, or experience—all of which are inevitable. The child can thus simultaneously call forth nostalgia for a frozen past and represent hope for the unknowable future. The inevitabilities of life, however, still render the child a tragic and hopeless figure. It is here, within the child victim, that compelling tensions lie—tensions created by the interplay between adult nostalgia and interiority, the adult desires and hopes to be carried by the child, and the cultural representations of the child’s experience generated for adult consumption.

Yet, who is this illusive or imagined child, and whose desires does that child represent? The idealized or normative childhoods frequently theorized, though they are complex and contradictory in nature, do not directly reflect the differences that work to always/already position the child as a particular body functioning within particular power relations. As Jenks explains,

...childhood is spoken about as: a ‘becoming’; as a *tabula rasa*; as laying down the foundations...growing up; preparation; inadequacy; inexperience; immaturity; and so on. Such metaphoricity all speaks of an essential and magnetic relation to an unexplicated, but nevertheless firmly established, rational adult world. This adult world is not only assumed to be complete, recognizable and in stasis, but also, and perhaps most significantly, desirable. It is a benevolent and coherent totality which extends a welcome to the child, invites him to cast off qualities that ensure his differences, and it encourages his acquiescence....<sup>20</sup>

Such conceptualizations of childhood must be further explored in terms of the differences that impact power relations and subjectivities. “Power is everywhere; not because it embraces everything, but because it comes from everywhere.”<sup>21</sup> The project at hand does employ Foucault’s notions of power as diffuse, interconnected, and woven within other relationships, yet, his theorizations of violence, discipline, and criminality do not allow for the specificity of the body necessary to advance discussions of representations of children and childhood in *SVU*. As Joy James points out in her critique of *Discipline and Punish*, “Foucault...makes no mention of sexual and racial binary oppositions to designate social inferiority and deviancy as biologically inscribed on the bodies of nonmales or nonwhites.”<sup>22</sup> The analyses that follow aim to illuminate the ways in which

---

<sup>19</sup> Jenks, 107

<sup>20</sup> Jenks, 9

<sup>21</sup> Foucault, 93

<sup>22</sup> James, 26

representations of children and discourses of childhood rely on such oppositions, especially when they confront issues of violence and criminality.

Dr. Neil Baer<sup>23</sup> is one of *SVU*'s Executive Producers, notable for his experience in pediatrics and focus on children's and adolescent health issues, as well as for his work as a producer of *ER* (1994-2009), an award-winning medical drama with an ensemble cast that aired for 15 seasons on NBC.<sup>24</sup> Under his direction, a revolving multitude of writers, production crew, and cast members generate compelling characters and complex plots focused on the "most heinous offenses," to quote the voice-over introductory narrative presented at the outset of each episode. Those offenses, according to *SVU*, often involve the sexual exploitation of children. The children portrayed on the show are constructed in relation to adults—most frequently in relation to adult perpetrators of crimes against them and the police detectives who work to avenge and/or protect them. Discourses about children and childhood manifest in the detectives' references to their own childhood memories and in their need to protect children from others. Remembered experiences, and the trauma and/or motivations that stem from those memories, influence the detectives' behaviors toward their victims and toward criminals who exploit children and youths.

Similarly, the constant pressure to protect the children—all children, any children—leaves the show with a dichotomy of adulthood that attempts to plainly separate sex offenders from non-sex offenders. Regardless of the debates that may play out within many episodes over the nature of pedophilia or over whether or not a rapist can be rehabilitated, the show still makes quite clear the fact that the detectives and their consultants—its stars—are "good" in their constant efforts to protect children from those "bad" people who are capable of actually perpetrating those "most heinous" crimes against them. In those cases in which a child is the perpetrator of a violent crime, he or she is frequently also physically victimized or viewed as the tragic product of an ill society or poor parenting. But just as there are victims, there are survivors. The figure of the resilient child rears up repeatedly to challenge and disrupt dominant discourses that position children as tragic figures at the intersections of their multiple victimhoods. The sections that follow—"Children at War," "The Invisible, Invincible Child," and "The Dishonest Child"—employ episodes of *SVU* that help illuminate a few of its distinct, sometimes contradictory, often overlapping constructions of the child, including the racialized child expected to be both victim and criminal, the child that functions as adult interiority, and the child whose story can only be told by others.

## Children at War

---

<sup>23</sup> Having studied pediatrics in Los Angeles and at Harvard, Baer also taught in an elementary school and has written regularly for a teen magazine on teen health and sexuality.

<sup>24</sup> *ER* was one of the hit series that increased ratings for the NBC network, then under the watchful eye of programming chief Warren Littlefield who'd had a shaky start in 1992 after some of his predecessor Brandon Tartikoff's hit programs ended. Before hiring Tartikoff, the network had struggled to capture and maintain substantial audience attention since the 1970s.

The episode titled “Baby Killer,” is well-suited to this project for its richness of representation and complex characterizations. In a compelling sequence before the introductory titles, kids run and scream and play on an urban public school basketball court, enclosed by stone walls and metal gates. Some of the children have audible accents and speak Spanish to each other; the children are ethnically and racially diverse—many of them are black or Latino/a. A woman monitoring the children is distracted by a group of suspicious-looking young men who linger near one of the gates, talking to a pair of small boys. The entirety of the sequence is imbued with a gray pallor—the dinginess of the cement and stone, the dimness of the lighting where only indirect sunlight makes its way into this narrow playlot. The young men wear drab colors, their faces shaded by hats, their clothes baggy and non-descript; they defy her and swear at her. As the woman confronts them and begins to call for assistance on her radio, she hears a gun shot behind her. She turns and the children scream and scatter instantly. She runs to the aid of a six-year-old girl, who lies unmoving, wounded. In a high-angle crane shot, the woman crouches over the girl in the otherwise empty, gray lot. As she cries for help, an abandoned ball rolls lamely along. This woman and girl, both black, are framed here as utterly alone and desperate. The fact of their blackness is particularly significant in this moving scene before the introduction of the show’s regular stars, the detectives. Jenny Kitzinger theorizes the discursive construction of black childhood:

[t]he images of children (usually white) represent, not individuals, but a concept. The image of a solitary black child would represent a different concept—racism means that while a white child can represent ‘Childhood’ the black child is only used to represent *black* childhood, or ‘The Third World’ or ‘Foreign’ or ‘Starvation’.<sup>25</sup>

Even in a series that represents racial minorities more often than other primetime programming does, the fact of racial difference (and here, I refer to the conventional binary that positions these black characters in opposition to the white detectives who star in every episode) is an early signal to the eventual unraveling of the narrative into what appears to be an unavoidable and unending cycle of racialized violence.

In the sequence that follows, Captain Cragen looks pained as he tries to reveal who is responsible for the young girl’s murder. He seems unable to speak the details—the fact that the killer is a seven-year-old boy, a classmate of the victim. Detective Stabler is resigned to meeting criminals of a particular sort, “Great, bring on the pervert,” he replies. But Cragen cannot correct him; all he can do is look toward two approaching officers, each with a hand on the shoulder of the small, docile boy. While there is no discussion of race until nearly the end of the episode, the boy, Elias (Nicolas Marti Salgado), and his parents (played by Sarah Ramirez and Robert Montano) are coded as ambiguously Latino/a or Hispanic, and during an initial hearing the boy is said to pose a flight risk since “the Barreras have ties outside the country.” The family is not portrayed stereotypically, which may work to provide gravitas when the episode culminates in Elias being shot by a twelve-year-old boy named TJ (played by Donovan Ian H. McKnight), who screams, “Can’t kill a sister and just walk!” The young black shooter yells at the cop

---

<sup>25</sup> Kitzinger in James & Prout, 166

showing him toward his car, “I didn’t do nothing.” He at once admits his guilt and defends his act as “nothing.” While this violence appears to be neatly contained within the space of just a few square miles and between Latino/a and black communities, it is also shown to have the potential to spread beyond those so-called borders.

Elias’s parents are sympathetic characters. They arrive, panicked, at the police station, having lost sleep at the hospital with their infant daughter and worried about the news of their son. They appear to be educated and articulate, caring and supportive of each other and their son. They might be recognized as middle-class if they weren’t forced to work multiple jobs in order to pay medical bills and send their son to a cheap and somewhat unsafe childcare provider while they spend time at the hospital. This family very nearly emulates all the ideals of middle-class whiteness, suggesting the interconnectedness of racial categories with notions of class, opening up the possibility for what ultimately becomes racially motivated violence to erupt, perhaps, in predominantly white or middle-class schools and homes rather than existing only in the gang-patrolled streets of poor, urban, and particularly raced spaces. Elias, then, is easily understood as a working-class kid, worthy of sympathy—a victim of his parents’ inability to afford safer childcare, but sympathetic because his parents work hard to support their family.

In their efforts to investigate why Elias would murder his classmate, the detectives are continuously faced with the realities of life in a systematically oppressive society in which people of color have limited choices and opportunities. Kitzinger writes, “In sensationalizing perpetrators’ grosser *abuses* of power we forget the routine use of power over children...children are vulnerable because they *are* children—childhood is a state of oppression (an oppression compounded by discrimination based upon sex, race, class and disability).”<sup>26</sup> While the program focuses much time and effort on individualizing and psychoanalyzing the criminal acts portrayed, the drama regularly allows for, indeed, requires reflection on the larger social implications for and causes of those crimes. Benson and Stabler discover that Elias’s babysitter is an elderly woman whose grandson uses Elias to distribute illegal drugs. Elias is depicted as an innocent and timid child who unknowingly falls victim to circumstances beyond his control. He witnesses a drug-related murder, and then escapes with a gun, so that the culprit, Machete, will not shoot him with it. Later, at the playlot, Elias sees Machete through the fence and shoots, killing his classmate by accident. When the Assistant District Attorney (Stephanie March) dismisses the charges against Elias, members of the press question whether or not there will be backlash, and local black citizens protest her decision on the grounds that murderers of black children should be put to trial and punished. Seemingly propelled by the momentum of these outcries, T.J. takes it upon himself to avenge the girl’s death by killing Elias and making his reason known. It is not difficult to envision the limitations on T.J.’s future as he is ushered away and locked firmly within the criminal justice system. Elayne Rapping reveals, “[w]e are shocked and terrified by the specter of an ever younger population of poor blacks suddenly joining the ranks of the criminally vicious.”<sup>27</sup> And she paraphrases Franklin Zimring’s work on youth violence in

---

<sup>26</sup> Kitzinger in James & Prout, 176

<sup>27</sup> Rapping, 225

which he points out that “we come to the obvious conclusion that such children can no longer be considered children, but must, somehow be seen and treated as adults.”<sup>28</sup> After all, T.J. is depicted as being fully aware of his crime. At twelve, with access to a loaded gun, and impassioned by a need to impose justice where the legal system will not—to punish the murder of black childhood—this boy is too experienced, too mature to be called a child.

It may be argued that the black child is discursively constructed as having been born into adulthood, never a child, never innocent in the way that white childhood is often imagined, and therefore less the vulnerable victim than the resilient survivor of inevitable injustice and harm. Certainly, the black child criminal, T.J., is here imagined as the inevitable result of the community in which he lives—a poor, violent, urban community, laden with the burdens and tensions of racially charged hostilities and oppression. While this episode of *SVU* offers complex characterizations of childhood, youth, race, and violent crime, the show’s claims to realism prevent subversion of the systems of oppression within which its characters and events exist. The closest it gets is in instances of reflection like in the final moments, when detective Stabler relates the violence he sees playing out between children in the streets of New York City to the bloody conflict between nations in the Gaza Strip. He mutters, “Welcome to the Gaza Strip...” at the conclusion of the episode. This final analogy works to remove the children in this story even further from the innocence of idealized American childhood. While the episode’s first victim is a young black girl, silenced and quickly erased, its second victim is a shy Latino boy who finds his own experience and subsequent actions made invisible—just another replication of the drug-related violence of the youths and men who surround him. Finally, the program’s third youngest victim seems almost an afterthought as he easily kills Elias and shouts at once his admission of guilt and his claim to revenge or self-defense against an unfair system and is hauled away as Stabler digests the scene and reveals his anxieties over ongoing international violence. In these depictions of childhood, children themselves are repeatedly victimized, both by a narrative that cannot allow them to survive as children as well as by a twisting plot that enacts violence against them as particularly marginalized, raced, and classed young bodies.

Ultimately, the child, whether a survivor or perpetrator, functions as a victim in *SVU*, otherwise, he is not recognizable as a child. And that victimization works, in conjunction with multiple forms of marginalization by age, race, ethnicity, class, and gender, to “other” the child, to alienate the child by implicating the child in his or her own suffering or further victimization. According to John Fiske’s reading of Colin MacCabe, “an essential formal characteristic of realism is that it is always structured by a “hierarchy of discourses”...” and “a realistic narrative will contain a range of different and often contradictory discourses.”<sup>29</sup> A hierarchy of discourses here allows the dominant discourses of idealized, innocent, white, middle-class American childhood to supplant racially or ethnically specific characterizations such that the child who has not been inducted directly into adulthood by the experiences associated with living in a racially

---

<sup>28</sup> Rapping, 225

<sup>29</sup> Fiske, 25

diverse community functions only as a perpetual victim—in much the same way the imagined or idealized child does. But this submersion of discourses specific to non-white and lower-class childhoods in popular media representations echoes the marginalization of non-white and lower-class lives, thus perpetuating the representation of erasure and silencing of marginalized peoples on institutional and symbolic levels, to say nothing of the physical and psychological violence played out on these bodies. Such is the violence of representing childhood in these and the examples that follow—structural, symbolic, and material violences are enacted in these representations.

### **The Invisible, Invincible Child**

This project is limited to analyses of just a few episodes from a lengthy series. Without over-generalizing, these examples should illustrate some of the complexities of representations of childhood that are exchanged between adult network producers and audience members.<sup>30</sup> Such representations both perpetuate and complicate the dominant construction of early 21<sup>st</sup> century childhood. Chris Jenks writes of a new vision of the child as more independent than dependent, fulfilling the needs of adults by engaging in the economic, emotional, and cultural labors required by the family under late capitalism. For him the child is no longer a beacon of hope for a better tomorrow, but since that tomorrow never comes—since tomorrow the child will be nearer to adulthood—the child has become partially responsible for the functioning of the family at present and is recognized in relation only to the loss of childhood, to adult nostalgia for the inner child and for the imagined childhood of the past. But these childhoods—the childhood of nostalgia and the childhood that promises the future—co-exist, tugging constantly at one another.

In the *SVU* episode titled “9-1-1”, a nine-year-old Honduran girl named Maria (played by Rachel Diaz-Stand) dials 9-1-1 to report that she is being held captive against her will. Because the call is from an audibly frightened and endangered young girl, it is forwarded to detective Benson, who must spend nearly the entire length of the show coaxing information out of the girl in order to try and locate her. The episode is primarily focused on Benson’s experience, with close-ups of her talking on the phone, suppressing tears, crying, holding her head in frustration at the difficulty of locating and saving Maria. In fact, the child remains invisible—a disembodied voice—until about midway through the episode when Benson locates an old file of photos that match Maria’s description. Maria reveals that she is being held captive by a man who “does bad things to [me]” and who lets his friends do them too. Benson, herself the product of her mother’s rape and subsequent alcoholism (facts laid out plainly in the first episode and revisited throughout the series), clings desperately to Maria through the photos, the speakerphone, and the portable receiver. Maria and her case files reveal that she has been molested, photographed, raped—bought and sold into sexual slavery. This devastating victimization at the hands of countless men drives Benson and the other detectives on a desperate and impossible hunt.

---

<sup>30</sup> According to a 2006 article in the *L.A. Times*, *SVU* has a median viewer age of 49 years (James).

While many episodes use still photographs to represent their young victims, this one relies also on the child's voice—her sleepy yawns, her songs, her fear and sadness, her pleas to be found and to be fed. This child is utterly dependent both on her captor to keep her alive and now on Benson to save her from him—to reconnect the body with the voice. While it may be difficult to envision this particular child as the child of modernity that Jenks speaks of, as the symbol of hope and progress, she is symbolic of Benson's passion and desire to protect. Benson is so driven that, seemingly against all odds and with a bit of luck, she eventually does find Maria. And while she appears to be too late, Maria having been shoved in a garbage bag and buried alive in a vacant lot, Benson eventually completes her mission. She digs her out of the dirt on her hands and knees, pulls her out into the open, tears at the bag and resuscitates Maria. Benson brings Maria back to life—rebirths her—at once suggesting the resilience and potential of the child to combat anything and everything she endures and also exhibiting Benson's deep need to believe in the possibility of a better life for the tortured child—and for herself. Maria gets to start anew, and Benson avoids despair over never being able to see the girl whose cries she's been trying to answer. While Maria relies wholeheartedly on Benson to save her life—even to erase the negativity of the life she's had—she also acts independently and exists to some extent in Benson's mind as any missing child might, calling forth Benson's own wish for a happy childhood. Though Maria is subjected to brutalities that she cannot control—including those perpetrated by adult men who abuse the privileges of patriarchy, whiteness, and socio-economic class distinction—Maria's resilience and resourcefulness upset the economy of human trafficking her captors have created. Maria is not only imagined as a tragic victim of sexualization and exoticism, but she is an agentic subject in the survival of those things, at least to the limited extent allowed her in a narrative that sustains itself on the disconnection of her voice and body. Benson's needs and desires appear to take precedence in this episode, but it's Maria's refusal to give up—her survival—that redeems Benson. In this way, Maria may simultaneously represent Jenks' idea of futurity and the nostalgia that afflicts the popular consciousness in post-modernity. But even more than this, Maria can represent the challenge to patriarchy and the disruption of accepted systems of oppression presented by agentic childhood.

In "9-1-1" Maria is rarely seen in the flesh, but a dialect expert brought in by the District Attorney's office recognizes her Honduran accent and determines that she must be an immigrant. Rather than function as a threat to the ideal of "innocent and natural" (read: white, middle-class) childhood, Maria falls victim to otherness in the face of that ideal. Indeed, Maria's captor is a white middle-class man who "owns" and abuses her, keeping her locked away in a dungeon room covered in floral wallpaper and pink and white furnishings. The scene is set to accentuate Maria's youth, femininity and innocence and works both to exoticize her as a dark-haired, immigrant child as well as to position her within a comforting, American, middle-class dream of girlhood in attempts to mask her difference. The argument could be made that children of color are represented quite frequently in need of protection on *SVU*—often from the white middle-class ideals that threaten their well-being each day.

But what is the significance of subverting ideals of blonde, female, middle-class childhood vulnerability in this way? As the working-class girl becomes a more visible

victim, she is further sexualized and further removed from the possibilities of normative childhood (whatever they may be). “A child who is known to be a victim of sexual abuse is often subject to further exploitation.”<sup>31</sup> The “too sexual” girl, the working-class girl, the non-blonde, then, are envisioned as also already victimized and therefore more vulnerable to abuse and always, inevitably further from safety. In the context of *SVU*, the child’s position in the ranks of idealized, pre-sexual youth—her access to innocence and vulnerability and naiveté, her supposed inability to interpret her own story—excuses the child from responsibility or agency. When this “innocent” child is victimized, then, she becomes knowledgeable and is no longer a child. She becomes implicated in her own victimization and, as the next section will show, she may even become the criminal suspect and perpetrator.

### **The Dishonest Child**

In his writing about criminal trials involving child sexual abuse, James Kincaid argues that the victimized child acts as a vessel for adult desires and is silenced in the process. The child can become “our main but stereotypical character, the empty and violated child whose story we know so well there is no need for [him] now to tell it: we hear it from within ourselves, spoken by our needs.”<sup>32</sup> For Kincaid, the child sexual abuse victim “becomes an empty signifier, or rather, an infinitely plural one” since the child is viewed as completely honest and incapable of interpreting its own story.<sup>33</sup> In the *SVU* episode titled, “Alien”, the plot twists its way from one suspect to the next, generating victims along the way until an 8-year-old girl, Emma (played by Raquel Castro), is revealed to be the perpetrator of the initial crime against her 12-year-old classmate. Among the twists are substantiated accusations of physical abuse, bullying, and homophobic discrimination, and, ultimately, false accusations of child sexual abuse. After a boy is dumped from a car at the hospital, bleeding from a stab wound that leaves him paralyzed from the waist down, questioning begins. When detective Benson and her partner, detective Stabler, meet Emma, she is staying at her grandparents’ house while her mother is in the hospital suffering from Lupus. Emma, looking thin and small in pink pajamas, corroborates her older brother’s story, and since he is the primary suspect in the stabbing, the detectives assume she is lying to protect him. Emma’s grandmother is appalled at the suggestion that her granddaughter might not be telling the truth, but Benson knows instantly from the confidence Emma displays and the innocence she clearly knows too well how to portray that this child is lying. By the end of the episode, it’s clear that the detectives believed Emma was innocent, but were not taken in by the “myth of a spotlessly honest child.”<sup>34</sup> No matter how much Emma’s family wants and needs for her to be telling the truth and no matter that Emma herself recites what she has learned in her Catholic school that “lies are vanilla sins, not mortal sins...but all sins are bad and that’s why you should never ever do them,” this child has made a choice to tell the story in such a way that protects both herself and her brother.

---

<sup>31</sup> Kitzinger (1988), 80

<sup>32</sup> Kincaid, 193

<sup>33</sup> Kincaid, 211

<sup>34</sup> Kincaid, 211

When Emma's biological mother dies in the hospital, Emma becomes the site of heightened tension in a custody battle between her grandmother and her other mother—"Mommy Zoey," her mother's lover and life partner. Emma's grandmother coaches her as she accuses Zoey of molesting her, but the department's psychiatrist recognizes her description as too intellectual and diagnoses Emma with Parental Alienation Syndrome (PAS). Emma's torturous school life is at the root of her crime—the other students harass and bully her because she has two mothers. And her grandmother takes advantage of Emma's anxiety over her parents' relationship by explaining that it is against nature and against God. Thus, for Emma, anything Zoey does can now be construed as a sin because she is lesbian, including those instances of potential evidence dug up by her grandmother—naked photos of Emma, taken by her mothers to "give her a positive body image," and massages administered to relieve stress at the direction of Emma's therapist. In her attempts to perpetuate an image of Emma as uncorrupted, innocent and honest, Emma's grandmother maps onto her certain desires and the hope that she can correct the mistake of queerness committed by her own daughter, Emma's mother. But efforts to bring the mythic child to life rely on a disavowal of the actual child, since it "empties out the child and makes it incapable of any independent action or thought."<sup>35</sup> In trying to preserve Emma's innocence and honesty, her grandmother forces Emma to lie and to deny her own actions. Paradoxically, Emma's grandmother's belief that her granddaughter is incapable of lying or of violence is exactly what leads her to manipulate Emma into lying about violence committed against her. Her grandmother's awareness of how Emma has been harassed and bullied at school leads her easily to believe that she also may have been victimized in other ways, elsewhere. This child then functions as a pawn in adult battles and as a sort of vehicle for adults' perceptions of what the child should be, what life should be, and for how adults relate to one another.

"Alien" is especially interesting in that it revolves less around its initial victim, the 12-year-old boy, and more around Emma, who has stabbed him in retaliation for cutting off her ponytail and making her "ugly" and for taunting her with homophobic rants. While *SVU* episodes commonly focus on locating criminals with the help of victims and witnesses, this one finds its victim is also its primary criminal. Emma's story becomes central to the narrative precisely because she is victimized or manipulated by almost everyone in her life and is therefore continuously vulnerable to exploitation. Similar representations of children whose suffering leads to violence reverberate not only throughout popular television, but also off screen, in the frequent displacement of blame onto seemingly uncontrollable societal ills (such as lacking legal protections for children's rights, poverty, and panics over kidnapping, sex abuse, and serial murder among other crimes) or demonized individuals (bad parents, pedophiles, murderers) and the subsequent denial of the child's ability to think, speak, and act independently. While this show enters into complex negotiations between various ways in which the child is imagined in contemporary society, it perpetuates dominant ideologies of childhood innocence, dependence, and vulnerability, which may work to erase or silence children—especially at sites of moral panic.

---

<sup>35</sup> Kincaid, 211

## Conclusion

As these analyses of children in *Law & Order: Special Victims Unit* indicate, the child functions in multiple, contradictory ways. The show's claims to realism and its attention to child victims make its representations significant to discourses of childhood. If *SVU* works to represent, in some instances, the treatment of children in contemporary society, then it is in our best interest to explore the discursive construction of the child victim not simply as a representation of the experiences of a few actual children, but as always/already representative of the framework within which society *imagines*, and therefore may silence or erase, children. *SVU*'s child victims are at once inherently vulnerable to victimization and resilient enough to out-live it. While the hopeless inevitability of adulthood signified by the development or acquisition of certain forms of awareness, experience, and physicality (usually sexual) make the child of color an always/already mortal, fallible, and tragic figure, the continuous discourses of innocence, malleability, and honesty construct the idealized white, middle class child as invincible, pure, incorruptible until she reaches a certain age. Class and/or gender distinctions may allow children of color to "pass" in some regards as "pure" or uncorrupted, yet such passing works most often in these representations to threaten the ideals of whiteness as it allows for racialized violence(s) to cross cultural boundaries. Competing discourses, then, create tensions that render any child a site for conflicting adult desires and anxieties. These tensions are by no means new, nor are they unique to popular television. They are, however, worth interrogating for instances in which they might reveal the discursive connections between childhood and victimhood and point to the ideological significance of such connections. Given opportunities for further study, it would be helpful to analyze the series' characterization of child sexual abuse and pedophilia, discussing in greater detail the hierarchy of discourses at work in these and other episodes, as well as to explore the character relationships that drive the show, and to more closely analyze the work of the child victim to call forth the child within, adult memory, nostalgia, and interiority—in what forms and to what end.

## Bibliography

- Althusser, Louis (1971). "Ideology and Ideological State Apparatuses" in *Cultural Theory & Popular Culture*. Ed. John Storey. Athens: University of Georgia Press, 1998.
- Britto, Sarah, Tycy Hughes, Kurt Saltzman and Colin Stroh (2007). "Does "Special" Mean Young, White and Female? Deconstructing the Meaning of "Special" in Law & Order: Special Victims Unit" in *Journal of Criminal Justice and Popular Culture* 14 (1) 2007.
- Crain, Patricia (1999). "Childhood as Spectacle" in *American Literary History* Vol. 11, No. 3, 545-553. Autumn, 1999.
- Cuklanz, Lisa M. & Sujata Moorti (2006). "Television's 'New' Feminism: Prime-Time Representations of Women and Victimization" in *Critical Studies in Media Communication* Vol. 23, No. 4, 302-321, October, 2006.
- Dwyer, Kevin and Jure Fiorillo (2007). *True Stories of Law & Order: Special Victims Unit*. New York: Berkeley Boulevard Books.
- Fiske, John (1987). *Television Culture*. New York: Routledge.
- Foucault, Michel (1990). *The History of Sexuality, Vol. 1, An Introduction*, second American edition. New York: Vintage Books.
- (1995). *Discipline and Punish: The Birth of the Prison*, second American edition. New York: Vintage Books.
- Holland, Patricia (2004). *Picturing Childhood: The myth of the child in popular imagery*. New York: I.B. Taurus & Co. Ltd.
- James, Allison & Alan Prout, Eds (2005). *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, Second Edition. Taylor & Francis e-Library; London: Falmer Press.
- James, Joy (1996). *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture*. Minneapolis: University of Minnesota Press.
- James, Meg (2006). "'Law and Order' Creator Gets Fresh" *L.A. Times* 22 Jan. 2006. Web. 14 Dec. 2008. <<http://articles.latimes.com/2006/jan/22/business/fi-wolf22>>
- Jenks, Chris (2002). *Childhood*. New York: Routledge.
- Jenkins, Philip (1998). *Moral Panic: Changing Concepts of the Child Molester in Modern America*. New Haven: Yale University Press.

- Kincaid, James (1998). *Erotic Innocence: The Culture of Child Molesting*. Durham: Duke University Press.
- Kitzinger, Jenny (1988). "Defending Innocence: Ideologies of Childhood" in *Feminist Review* No. 28, *Family Secrets: Child Sexual Abuse*, Spring 1988, 77-87.
- \_\_\_ (2004). *Framing Abuse: Media Influence and Public Understandings of Sexual Violence Against Children*. London: Pluto Press.
- Lane, Philip J. (2004). "The Existential Condition of Television Crime Drama" in *Journal of Popular Culture* Vol. 34, Iss. 4, March 5, 2004, 137-151.
- Law & Order: Special Victims Unit*, "About the Show" Retrieved on 12/14/2008 at [http://www.nbc.com/Law\\_and\\_Order\\_Special\\_Victims\\_Unit/about/index.shtml](http://www.nbc.com/Law_and_Order_Special_Victims_Unit/about/index.shtml) .
- MacCabe, Colin (1981). "Realism and the Cinema: Notes on Some Brechtian Theses." In *Popular Television and Film*. Ed. T. Bennett et al. London: Open UP /BFI. 216-235.
- Phillips, Adam (1998). *The Beast in the Nursery*. London: Faber and Faber Limited.
- Postman, Neil (1982). *The Disappearance of Childhood*. New York: Delacorte Press.
- Prout, Alan (2005). *The Future of Childhood: Towards the interdisciplinary study of children*. New York: RoutledgeFalmer.
- Rapping, Elayne (2003). *Law and Justice as Seen on TV*. New York: New York University Press.
- Selig, Glenn (2011). "Comments on Casey Anthony trial from crisis management public relations and entertainment PR expert." *PRNewsChannel.com* Selig Multimedia, Inc. 6 July 2011. Web. 12 July 2011.
- Sumser, John (1996). *Morality and Social Order in Television Crime Drama*. Jefferson, NC: McFarland.
- Walkerdine, Valerie (1997). *Daddy's Girl: Young Girls and Popular Culture*. Cambridge, MA: Harvard University Press.
- Zimring, Franklin (1998). *American Youth Violence*. New York: Oxford University Press, US.