

A HISTORICAL AND THEORETICAL LOOK AT RITUAL ABUSE LAWS PART II: APPLYING AN INTEGRATED CONFLICT MODEL ANALYSIS TO THE IDAHO BABY X CASE*

Stan H. Hodges, Texas A&M University-Kingsville
and Jason S. Ulsperger, Arkansas Tech University

ABSTRACT

This article is the second that examines the social construction of ritual abuse statutes that uses the Integrated Conflict Model of law formation. Using content analysis findings based on a qualitative, historical phenomenological interpretation, this piece examines the formation of ritual abuse law in Idaho. Examining circumstances surrounding the satanic panic that took place in the mid-1980s to early 1990s, the article supports the idea that the formation of ritual abuse laws involves structural foundations, public demands for information, triggering events, and counter-triggering events surrounding a particular case of suspected ritual abuse. It concludes with recommendations for future research concerning law formation processes.

In the fall of 1989, the burned body of a mutilated infant laid in a southern Idaho dumping area near the town of Rupert. One rumor was that the baby came down with pneumonia, its scared parents abandoned it, and wild animals marred the remains. More popular rumors implied that the infant, later labeled "Baby X," was killed by a local satanic cult composed of black robed figures roaming the woods in Idaho, sacrificing animals and children. Local mental health workers and law enforcement officials provided media outlets with ideas legitimizing the rumors, and several Christian groups held social protests condemning the assumed demonic worship. Local and national media covered those protests providing a high level of credibility to the Baby X stories and prompting the passage of some of the nation's first ritual abuse laws within months of the event (Victor 1993).

Ritual abuse is any symbolic, repeated behavior that fulfills cultural, social, religious, sexual, or psychological needs, and is criminally defined. Laws associated with ritual abuse include acts of child torture, animal sacrifice, forced drug ingestion, unlawful underage marriages, forced interaction with the deceased, and the explicit mutilation of the deceased (Hodges 2008). As indicated by Idaho's Ritual Abuse Act, a person is guilty of ritual abuse when, through a ceremony or similar observance with a child present, simulates or actually tortures, mutilates, or incinerates any warm-blooded animal or human, forcibly drugs child witnesses to suppress recollection of crimes, or places a child in a coffin or open grave with human remains

(1990).

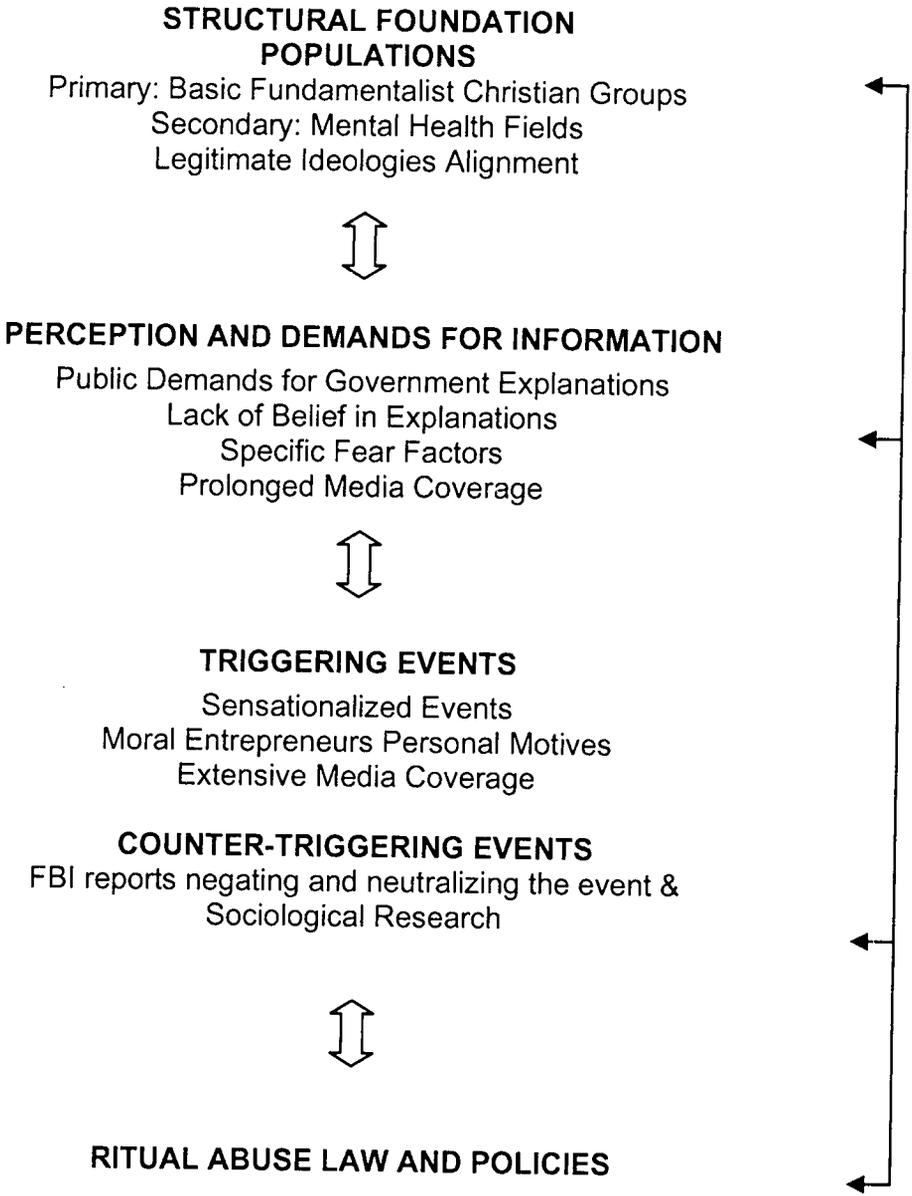
Based on the Baby X case, this article examines the social construction of Idaho's ritual abuse law with the Integrated Conflict Model of law formation. It starts with a theoretical discussion detailing the ideas behind constructionist and integrated conflict perspectives. The article then reviews the methodology we used to research the Idaho Baby X case. Finally, this piece provides findings supporting the idea that ritual abuse in Idaho was the consequence of structural foundations, public demands for information, triggering events, and counter-triggering events.

CONSTRUCTIONISM AND THE INTEGRATED CONFLICT MODEL

Part I of this series offers detailed discussions of constructionist thought and the integrated conflict model of law formation (Hodges 2008). Here, a brief review is helpful. Constructionist views imply that human experiences are socially created and maintained through perceptions of reality. Knowledge that denotes what people view as real is initially created through interaction, it is externalized when others accept it, and finally it is converted into a concrete thing when many others believe the original construction had always been true. The idea of socially constructed reality applies to everyday knowledge that orders our lives, whether it concerns time, money, or religion (Berger & Luckmann 1966).

The Integrative Conflict Model extends this idea by viewing laws as social constructs made of structural foundations, perceptions of crime and demands for punishment, and triggering events that do not require sequen-

Figure 1 - An Integrative Conflict Model of Ritual Abuse Law



tial timing. Structural foundations, focus on both structural and cultural factors. With structural factors, social dynamics have an effect on lawmaking in a number of ways. High levels of heterogeneity, inequality, and declining economic conditions all influence the incidence of inter-group conflict. The most powerful in these situations can determine what is criminal. In relation to cultural factors, ideological assumptions influence perceptions of criminal behavior. Values of a culture help to shape lawmaking processes with understanding and meaning. If the values indicate

that a certain behavior is inadmissible, the public demands restrictions. If the values indicate issues surrounding the activity are acceptable, people will tolerate the behavior. In relation to structural issues, consider drug laws. Research indicates that states with homogeneous, highly religious populations vote in blocs allowing the quick passage of legislation. Those with heterogeneous, ideologically diverse populations sometimes experience longer legislative processes when people propose new laws (Gallihier & Cross 1983; McGarrell & Castellano 1991).

Perceptions of crime and demands for punishment, the most fluid of the three aspects, involves media exposure about allegations of an issue or event. The media exposure can create an elevated sense of public awareness prompting a "call to action" by government officials. If a law already exists to deal with the issue or event at hand, dilemmas for lawmakers emerge. The general public might believe lawmakers are not doing enough to make sure laws are enforced. If a law does not exist, to maintain their legitimacy, lawmakers will feel the need to draft one. For example, Oklahoma passed a law in 2000 that made it a felony for state employees to provide nursing homes with information on surprise inspections. Research indicates that newspaper stories surrounding the transfer of information from the acting health department director to a prominent nursing home owner generated a demand by the public that lawmakers do something to prevent the abuse of inspection information (Hodges & Ulsperger 2005; McGarrell & Castellano 1991; Ulsperger 2003).

Triggering events produce an intense demand for action and public policy. They can occur simultaneously including aspects of election year politics, sensationalized crimes, and appellate court decisions. The aforementioned media exposure sets the stage for action, but the triggering events set the legislative process into motion by creating a critical mass between various social structures and their ideologies, prompting a reality construction battle between interest groups. Research on federal marijuana law shows the power of moral entrepreneurs who have abundant resources in framing public perceptions. Part of the reason the Marijuana Tax Act of 1937 passed in the United States was due to the publicity campaign waged by the Federal Bureau of Narcotics. Harry Anslinger, the FBN director, supported the production of various propaganda creating the perception that marijuana would produce hyperactive, psychotic tendencies in users. Though scientific evidence proved otherwise, his efforts and accompanying media coverage swayed much of the population into demonizing the drug triggering the passage of legislation outlawing marijuana (Galliher & Cross 1983; McGarrell & Castellano 1991, 1993; Ulsperger 2003).

While applying the core conceptions of the integrated conflict perspective, we apply an

adapted model to explain the emergence of statutes concerning ritual abuse in the state of Idaho (see Figure 1). With this model, we first discuss structural foundation populations, including primary groups, such as fundamentalist Christians who have a substantial political influence in Idaho, and secondary groups, such as experts from the mental health field, who play a key part in evaluating witnesses in ritual abuse cases (Hodges 2008). Secondly, we focus on perception and demands for information. In the case of Idaho ritual abuse law, we will see how the public insisted on government explanations, failed to believe them, and felt threatened by the perceived incompetence of leadership. As with previous models, our third aspect involves triggering events. With Idaho ritual abuse law, this concerns sensationalized interviews, the actions of moral entrepreneurs, and prominent court cases that ignited the rapid passage of legislation. Our final aspect relates to counter-triggering events. These involve law enforcement and academic reports that serve to neutralize conflict surrounding the issue of concern, in this case ritualistic abuse. Before discussing the aspects of our findings in these areas, it is necessary to review our research methodology.

METHODS

This research involves content analysis findings based on qualitative, historical phenomenological interpretation of events surrounding ritual abuse law in Idaho. Using multiple record search methods, consisting of library and Internet databases, the researchers compiled a wide variety of documents consisting of books, peer review articles of sociological journals, and printed interviews of clergy, police, psychologists, reporters, and lawmakers, on the development of ritual abuse law in Idaho. Both researchers read and reread large samples of documents separately throughout the phases of the project, allowing us to understand the complexity of themes underlying the formation of a specific set of laws.

We then discussed our emergent themes and categorized the documents and portions of documents into groups based on structural foundation populations, perceptions and demands for information, triggering events, and counter-triggering events. We often reread the documents until we were both in agreement to ensure intercoder reliability. We

found patterns and themes that fit the aspects defined by Integrated Conflict Theory of structural bases, corresponding interest groups, fluid notions of what was perceived and real concerning the triggering events and counter-triggering events. Once the project was complete, we checked for internal and external coherence. Internal coherence involves whether or not you can reanalyze documents you initially study and find similar themes. External coherence concerns an adequate level of correspondence between your findings and theoretical perspective. In reviewing the documents one last time in the context of existing Integrated Conflict Model literature, we determined both types of coherence existed (for more on this process see Hodder 1994).

FINDINGS

The circumstances surrounding the Baby X case provided a perfect storm of components leading to the passage of ritual abuse law in Idaho. The Idaho case study includes issues related to structural foundation populations, public perceptions of and demands for information, triggering events, and counter-triggering events.

Structural Foundations

The structural foundation for the passage of Idaho law considers the ritual abuse dynamics existing previously in other states before the Rupert, Idaho Baby X case. Throughout the 1980s, the idea that ritual abuse was a social problem picked up considerable steam. Norris and Potter (1986) note several occurrences of alleged ritual abuse in California as well as other places in the United States as portrayed in their article that was published in *Penthouse* magazine. Norris and Potter note:

But by far the most insidious and best publicized example of possible ritual terrorism against children is the alleged torture of students at the Virginia McMartin Pre-school in Manhattan Beach, California. A single case of child molestation in January 1984 started an investigation that closed the school and resulted in seven people being charged in 208 counts of child sexual molestation. Three hundred eighty-nine former pupils of this school were interviewed at the prestigious Children's institute in Los Angeles. All of them told of sexual abuse. The institute found that 80 percent of the children had physical evi-

dence to document their abuse. (1986 50)

Those statements on the McMartin case in particular, as well as several others, had an enormous impact on their reading audiences nation wide. This was the major triggering event in California, providing patterns of understanding for similar social constructions across the United States, including the neighboring Idaho. In a community just south of Springfield, Illinois, people accused a group of rambunctious teens of being devil worshipers. In Arkansas, unproven claims that devil worshipers were out to get blonde-haired, blue-eyed virgin children whipped the public into a frenzied condition. A sheriff northwest of Columbus, Ohio reported that satanic homosexuals were on the loose and in a town close to Toledo, a sheriff carried out a heated investigation into ritual abuse from information provided by a confidential informant. From Alaska to New York, tales suitable for the Salem witch trials of the late 1600s emerged involving allegations of grave robberies, orgies with evil spirits, and animal mutilations leading to what is believed to be false conviction after false conviction later overturned or quietly producing reduced sentences. In 1990, the year after the Baby X situation, a child abuse probe of a 9-year-old California boy known as "Timothy" indicated he witnessed babies mutilated and burned. In an interesting twist, his family was from Rupert, Idaho (Gross, Jacoby, Matheson, Montgomery & Patil 2005; Victor 1993). Though previous cases had similar qualities, such as claims of satanic practices and accusations by young children, the difference in the Rupert, Idaho case was that stories of ritual abuse from a child in California were connected to a location where an actual mutilated body was found in Idaho. This created a perception in both states, of the widespread organized nature of the Satanists involved in the Idaho case. With those conjoined elements, structural population groups such as fundamentalist Christians and mental health experts aligned to address the perceived forces of evil at work like they never had before.

With the Baby X case, Idaho responded quickly with ritual abuse legislation, in part, due to fundamentalist Christian populations. Our analysis indicates that the religious group reactions in Rupert, Idaho were stronger than for any other ritual abuse case. The community was more rural and spiritually oriented

than other areas with satanic abuse claims, so a traditional legitimacy for Christian epistemologies of evil and Satan worship plausible for most people, especially when religious leaders made ritual abuse charges to explain the circumstances surrounding the discovery of the dead infant. This legitimacy became stronger when mental health professionals agreed with claims of satanic abuse, but for different reasons. In the Baby X case, as with others, the mental health professional predisposition for some psychologists was to believe in survivor stories and at the same time attribute the effects of ritual abuse experiences to personality disorders, often created by repressed memories discovered through hypnosis and diagnosed in the DSM III. Debates surrounding repressed memories are still current today. However, their use in the Baby X case indirectly supported the concerns of Christian fundamentalist populations, while providing scientific reasons and evidence fostering the perception of a true problem that policymakers needed to deal with legally.

Certain Baby X associated mental health professionals became "self styled" experts involved in training various forces of social control in the Idaho governmental system, such as law enforcement officials, prosecutors, and political leaders. They trained them on the perceived extent of the ritual abuse problem, but also taught the forces of social control how to distinguish ritual abuse from other crimes and social ills. Our findings indicate that this had an unintended consequence. Calling into question the legitimacy of public workers and officials, professional training by experts in the mental health field fueled public speculation that law enforcement and other government figures were ignorant and inept for not recognizing and containing the ritual abuse problem (for more see Lotto 1994). This created public uneasiness, prompting them to demand worthy explanations for ritual abuse and official action. Such explanations were not forthcoming and when they did appear, the public response was one of uncertainty and mistrust.

Public Demands for Information

Our analysis indicates that perceptions creating public demands for information and action have close ties to what we discuss as "fear factors" or a lack of belief and confidence in government explanations and threatening

feelings associated with real physical harm and dangers to status and power of the ideology of the majority group. There are two primary fear factors in the Baby X case important to note. The first involves the long-standing, socially constructed human fear of evil and things embodying it. The second involves fears concerning the safety of children from harm, which may be instinctual. We believe these two core fear factors prompt fear factors that relate to specific situated events, such as the Baby X case. In other words, basic fears concerning evil and the desire to protect offspring expanded public demands for information and policymaker action in Idaho in relation to the ritual abuse of children by Satanists (for elaboration see Passantino & Passantino 1992).

Triggering Events

The main incidents that triggered the scare quickly to the point of legislation passage was the finding of Baby X and the "Timothy" interviews. The media attention surrounding these incidents served as a triggering event itself. In addition, the actions of individuals who may have had their own self-interested motives, such as policeman Larry Jones and journalist Chris Clark, carried triggering event weight.

Lieutenant Jones was on the force in Boise, Idaho during the Baby X events. He insisted that hard core evidence, such as police officer testimonies and the plethora of dead bodies killed by sacrifice, proved that cults carrying out ritual abuse were running wild in the late 1980s and early 1990s. In what our findings indicate as the promotion of law enforcement action and the enhancement of his reputation, he started the Cult Crime Impact Network to train police departments and communities on ritual abuse practices – all for a fee. He subsequently published a newsletter that went out to over 2000 subscribers within a few months of the Baby X case (Wallace 1990).

Chris Clark was a local newspaper reporter who, after the Baby X discovery, met with the supervisor for special services at the local school district Noel Croft, Nazarene Reverend Stephen Oglevie, Rupert Police Chief Paul Fries, and coroner Arvin Hansen, who responded with different motivations and goals. Croft had good intentions; Oglevie wanted to stop satanic practices in his community at any cost; Fries was looking for answers in the midst of public scrutiny; and the

Figure 2. An Idaho Ritual Abuse Law Timeline

1984	January 1984 the McMartin case in Manhattan Beach, California brings ritual child abuse to public attention. Mental health experts are brought in to interview the children involved.
1986	Officer Larry Jones of Boise Idaho attends police training for the first time concerning cult crimes by mental health experts. He later becomes a minister and influential in creating a newsletter and a national anti-cult network.
1989	In November of 1989 Baby X was discovered, this case with media coverage galvanized the general public concerning the reality of ritual abuse.
1990	In March of 1990 the boy "Timothy" is discovered in California and interviewed by experts, which pointed further evidence towards the view that cult members sacrificed Baby X. On April 3, of 1990 Governor Cecil Andrus signed House Bill 817 concerning ritual abuse into law, which had passed unanimously through the Idaho House and Senate. The 1990 April issue of Larry Jones News Letter "FILE 18" proclaims "Ritualized Child Abuse Legislation" passed. It also provided a step by step process how this legislative success could be followed up in other states.
1991	November 1991, a candlelight vigil is held in Rupert, Idaho by 500 persons for satanic abuse victims with media in attendance.
1992	Lanning's FBI report came out in 1992 and stated that there was no physical evidence to support satanic cult criminal allegations in the form of organized group conspiracies. Academic studies were also coming out at this time refuting anti-cult claims.
1993	The State of Illinois passes a ritual abuse law using similar language to that of the Idaho statute.
1995	The State of California passes a ritual abuse law that uses language similar to that of the Idaho statute.

others provided a scientific level of expertise. Clark ended up with samples of drawings by "Timothy," anonymous letters backing up ritual abuse claims, Oglevie and Fries agreeing that satanic practices in the area were certain, and Hansen stating that he was leaning in the direction of ritual abuse as a cause of death. A subsequent series of articles produced by Clark detailing the shaky evidence and assumptions from the meeting sparked an elevated level of public outrage supporting ritual abuse legislation in Idaho and other states (Siegel 1992).

Counter-Triggering Events

Despite the discrediting of many ritual abuse claims, cases involving ritual abuse and Satanism led to the conviction of individuals many question until this day. Consider the "West Memphis Three." Teens found guilty of mutilating and murdering young boys in

west Arkansas in 1993, on the heels of the Baby X affair. Despite new DNA evidence and information relating to exaggerated satanic scare trends at the time of their convictions, Damien Echols, Jessie Misskelley, and Jason Baldwin remain incarcerated (Leveritt 2003; Gambrell 2008). However, certain trends exist to correct misconceptions, that we call counter-triggering events. In relation to the Baby X case, two counter-triggering phenomena are important to discuss. One involves Kenneth Lanning's work, and the other involves the plethora of scholarly research addressing ritual abuse misconceptions. Much of the scholarly research was in the form of sociological research and journal articles.

Lanning started working in the law enforcement field in the early 1980s. He initially bought into the hype of widespread ritual abuse, but changed his mind after being involved in

multiple cases. By 1992, he worked for the Federal Bureau of Investigations Behavioral Sciences Unit. In response to the Baby X case and similar events, he wrote an investigator's guide to satanic ritual killings. The report considers historical circumstances involving ritual abuse and the psychological components leading children to make false abuse claims. He argues that a middle ground for claims of ritual abuse is necessary. The truth about it exists somewhere between exaggerated tales about abuse that may or may not involve satanic rituals, and legal and mental health rationalizations of circumstances surrounding abuse claims. However, he points out that there is little doubt that unsubstantiated claims of ritual abuse take away attention from the real child abuse that takes place way too often (Lanning 1992).

Backing up Lanning's argument, a variety of scholarly pieces on ritual abuse emerged soon after the Baby X case. These include Richardson, Best, and Bromley's (1991) sociological analysis of the Satanism scare along with Goode and Ben-Yehuda's (1994) work on moral panics. Recent research includes Noblitt and Noblitt's (2008) work on the legal, psychological, social, and political dynamics of ritual abuse (also see Cohen 2008 and for a systematic review of literature on ritual abuse see De Young 2002). The public threat however was perceived as too great. Ritual abuse laws were passed in Idaho, providing a template for similar laws in other states.

CONCLUSION

Building on the Integrated Conflict Model of law formation, this analysis examined processes contributing to ritual abuse legislation in the state of Idaho. It found that the social construction of legislation has ties to certain population structures and historical circumstances that lay the foundation for the passage of specific statutes. It also found that those structural factors facilitated a public demand for information related to horrific events covered extensively in the media and public outrage that government officials are not doing their jobs. Moreover, this work discovered that triggering events, such as the Baby X body discovery, "Timothy" interviews, and moral entrepreneur actions could be the tipping points in passage of new laws in other states. The findings of this analysis build on previous research in this area (Taylor, Walton & Young

1973; Galliher & Cross 1982, 1983; Cross 1991; McGarrell & Castellano 1991; Ulsperger 2003; Hodges & Ulsperger 2005) in that they are the first in this tradition to discuss counter-triggering events. Previous research using the Integrative Conflict Model fails to mention the ability of governmental or scholarly work in neutralizing the panic associated with scenarios leading to new legislation.

Analysts should continue to use other methodologies to study the development of ritual abuse law, as well as law development on other issues. For example, it would be interesting to review the dynamics of the law making involved in the passage of United States legislation such as the Patriot Act. Could we find similarities with this study? Were structural dynamics such as underlying geo-political conflict setting the stage for legislation designed to enhance the power of the government? Did the salience of fundamental Christian ideologies in the U.S. make it more likely citizens would look the other way when people believed to be of another faith threatened their safety? How did the attacks of September 11, 2001 and subsequent media coverage serve as triggering events propelling certain legislation into written form? Moreover, has the U.S. experienced any counter-triggering events to offset deeply seeded misconceptions that developed around the time of the attacks? Carrying out research on such a contemporary issue will help us understand that our cycle of law development is never far removed from our past, whether it concerns a witch trial in Salem in the late 1600s or Baby X in Idaho in the 1990s.

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