

## A HISTORICAL AND THEORETICAL LOOK AT RITUAL ABUSE LAWS FROM AN INTEGRATIVE CONFLICT PERSPECTIVE

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### ABSTRACT

This article is part one of a two-part study on ritual abuse law formation. It is concerned with the historical background and theoretical concerns using Integrated Conflict Theory. This approach allows the complexities of individual and structural variations that are especially inherent elements of conflict that are embedded in this topic to be drawn out in a more comprehensive way.

### INTRODUCTION

Why are the ancient images that personify evil still such potent forces in the minds of individuals in modern western society? How is it that we have carried the images of Satan and the witch intact into the modern world? Do these images still affect individuals in modern rational society on their real life applications? This research looks at the social construction, formation and development of ritual abuse laws. It is a look back to the decades when ritual abuse was considered a social problem and sanctions were enacted to contain and protect society. One researcher in the topic area, Margaret Smith, states:

If there is even a small chance that one ritual abuse claim is true, we owe it to all potential victims to explore the problem of ritual abuse in greater depth.

Why immediately discount those who say they were ritually abused when history reveals that religious and political obsession often leads to violence? Innocent women, children, and men were tortured during the Inquisition because of religious obsession. Adolf Hitler, in the name of political obsession, turned a whole country into a murdering nation by killing innocent Jews and other minority groups. Recently, near Waco, Texas, we once again saw how the obsessive spiritual beliefs of a group led by David Koresh who said he was the second coming of Christ, led to violence. Ritual abuse survivors say they were violently abused in religious rituals by groups that were using them as magical tools or that was trying to indoctrinate them into the belief system of the group. They say the groups are extremely violent and secretive, and hence do not live in communal settings, as was the case in Waco, Texas. Are claims of ritual abuse really that bizarre after we reflect upon the historical acts of groups that were

obsessed with religion and politics? (Smith 1993 vii)

This statement is an example of the proponents of ritual abuse law. It is the fear of ritual abuse as a social construction and the creation of law to prohibit it that interests this author. Five states (California, Idaho, Illinois, Texas and Louisiana) currently have or have had ritual abuse laws that specifically prohibit ritual child abuse. Other states have considered similar laws. The passage of such laws seems to warrant the conclusion that ritual abuse is a public concern and a social problem. Another possibility is that this is part of a general trend of the re-emergence of the sacred.

This analysis focuses on definitions of ritual abuse, the emergence of ideologies surrounding it, and changes in theoretical and belief system in a society. The analysis is conducted through the lens of Integrated Conflict Theory. This perspective allows the use of historical and modern data to address a social issue. This study is important because no comprehensive study of the formation of ritual abuse law has been conducted using this perspective. This survey portrays an understanding of the formation of these laws and their relation to the inherent social conflicts of the "witch craze era" in Europe and the ritual abuse panic during the 1980-90's in the U. S. The first step in that process is the definition of ritual abuse. In addition, as the next section reveals, there is no easy way to discern the parameters of ritual abuse.

### DEFINITIONS OF RITUAL ABUSE

#### What is Ritual Abuse?

Ritual abuse is difficult to define so a precise definition is elusive. For example, Lanning (1992) notes that definitions developed by researchers are often not useful for law

enforcement officials. The definitions define certain symbols, beliefs and acts. However, they are often too broad and include certain belief systems. According to Brown (1987), while some religious rituals (baptism, circumcision, etc.) are not criminal, other acts are related satanic rites as norms of religious expression. Brown (1987 84) states that

other portals to satanic power and demonic infestation involve the following: fortune tellers, horoscopes, fraternity oaths, vegetarianism, yoga, self-hypnosis, relaxation tapes, acupuncture, bio-feedback, fantasy role-playing games, adultery, homosexuality, pornography, judo, karate, rock music, and so on.

However, few of these behaviors fall within the realm of criminality. Lanning (1992) further notes that the conflict between belief systems is even more confusing when cultural, religious, sexual, and psychological rituals overlap. According to Lanning,

conflicting religious beliefs have justified the Crusades, Apartheid, segregation, violence in Northern Ireland and the Inquisition: The fact is that far more crime and child abuse has been committed by zealots in the name of God, Jesus, Mohammed, and other mainstream religion than has ever been committed in the name of Satan. Many people, including myself, don't like that statement, but the truth is undeniable. (1992 Part 4 8)

Many individuals define Satanism and ritual abuse from an ethnocentric Christian epistemology to describe the power of evil. The Christian ontological understanding of evil is different from secular ways of knowing. Using the Christian epistemology, satanic behaviors that are particularly bizarre or repulsive can be viewed as criminal (Lanning 1992 Part 4 2). Hodges (2006) notes that much of what is considered evil today was originally defined in Middle Ages, from the Christian perspective, by defining non-Christian behaviors as evil. Yet as Lanning contends, it is just as difficult to define Satanism as it is to define a complex spiritual belief system. Much of this confusion becomes even more complex over definitions of what actions constitute a ritual. Historical bases for the existence of ritual deviance can be

found in the Christian-Satanic conflict.

### **What is Ritual?**

Lanning (1992 Part 4 2) states that ritual is a repeated act or series of acts that have cultural, sexual, psychological and spiritual bases. Overlapping of definitions can cause great confusion in a legal system that relies upon the principle of mens rea to determine the criminality of the accused. A particular type of abuse that is tied to mens rea or intent creates room for debate in a court. These concepts tend to make the term ritual abuse very hard to operationalize for the researcher. This difficulty in definition has to be kept in mind when one considers the events that led up to the formation of ritual abuse laws. The motivations become even more ambiguous when historical and legal factors are included. According to Lanning (1992 Part 4 1-9), any definition of ritual abuse includes a belief system. The behavior or crime may fulfill cultural, social, spiritual, sexual, and psychological needs of the offender or offenders. Laws prohibit the criminal actions associated with these ritual beliefs. The ritual act involves criminal intentions with illegal actions and results in mental, emotional and bodily harm in some combination. Though these standards are not mutually exclusive they are accepted as basic definitional standards.

Since this study deals with ritual abuse law the following definition of ritual abuse is taken from elements found in the Idaho statutes, which were a generic guide for other states. Ritual abuse applies to children or vulnerable adults and includes: a) the actual or simulated torture, mutilation, or sacrifice of warm-blooded animals or human beings; b) forced ingestion, injection or other application of any narcotic, drug, hallucinogen or anesthetic for the purpose of dulling sensitivity, cognition, recollection of, or resistance to any criminal activity; c) forced or external application of human or animal urine, feces, flesh, blood, bones, body secretions, non prescribed drugs or chemical compounds; d) involves the child or vulnerable individual in a mock, unauthorized or unlawful marriage ceremony with another person, or representation of any force, or deity, followed with sexual contact with the child, or vulnerable individual; e) places a living child into a coffin, or open grave, containing a human corpse, or remains; f) threatens death or seri-

ous harm to a child, or their parents, family, pets, or friends, which instills a well-founded fear in the child that the threat will be carried out; g) unlawfully dissects, mutilates, or incinerates a human corpse. The term child is defined as less than 18 years of age. These descriptions are found in Title 18 of the Crimes and Punishments of Idaho Statutes in chapter 15, section 18-1506A. Hodges (2006) states these same descriptions were also used as templates for the state of California. These descriptions provide a legal guide for understanding ritual abuse and define it according to law. Next, we turn to the review of literature that involves the concepts of ritual abuse sociologically from which ritual abuse emerged.

### LITERATURE REVIEW

Ritual abuse is rooted in the ideologies of Western civilization and in their formal and informal sanctions. Sociologists, using different theoretical approaches, have discussed these ideologies. James (1896) researched the mental states involving possession, mediums, and witchcraft while Gusfield's (1986) research on symbolic crusades considered how a dominant culture maintains its power over marginal groups. Erikson (1966) explains how witch trials emerged as social disruption and social change increases while Szasz (1970) noted the tendency to create witch-hunts to deflect attention from other social ills. Pfohl (1985) and Truzzi (1971) offer historical and contemporary explanations of demonology and witchcraft. Ben-Yehuda (1990) and Richardson, Best and Bromley (1991) studied witchcraft as a western sociological phenomenon emerging from several different levels historically and socially. Goode & Ben-Yehuda (1999) viewed witchcraft as a form of moral panic. Lotto (1994) and Ellis (1995) considered witches and witch-hunts involving ritual and satanic abuse historically. Ellis (1995) researched moral panics and ritual abuse in the 1950s as a repository of fundamentalist religious beliefs.

Ellis (1995) contends that the writings of Kurt E. Koch, published in the 1950-60s, carried forward Christian evangelical notions of evil from the witch craze era and influenced several Christian belief circles in the 1970-90s, especially during the satanic ritual abuse panic. Ellis notes that Koch is a frequently cited authority in the first generation

of 1950s demonologists. Hence only a few authors that have considered ritual abuse as a research issue. The study of the formation of ritual abuse law then is an unexplored topic.

Victor (1989) and Ofshe (1992, 1994) researched satanic panics of the 1980-90s and were critics of the application of ritual abuse laws. Their works also focus on anti-triggering or counter triggering events. Hodges (2006) contends that understanding the formation of ritual abuse laws must incorporate a critical mass of individuals, groups and circumstances. The next section considers the historical background from which the concepts of ritual abuse emerged. These historic events extending from the fall of the Roman Empire assisted in creating lineages of thought, mindsets, and legal frameworks for early concepts of criminal ritual abuse into the religious and legal applications of law for three hundred years in the period from roughly 1400 to 1700.

### HISTORICAL BACKGROUND

#### From Satan to Witches to Laws

With the fall of the Roman Empire, the Christian Church was established as a social institution. Pre-Christian religions were defined as Satanic and evil. As the Christian Church grew in power and influence with the establishment of the Holy Roman Empire, the pressure against opposition religious groups increased. Social institutions, such as the Spanish Inquisition, established the power of the Christian Church over any competition. Ben-Yehuda (1980) and Goode & Ben-Yehuda (1999) contend that for this to take place six centuries of earlier church policy had to be re-framed. The initial policy, as stated in the Canon Episcopi, was that among pagans was an illusion. Prior to establishing new policy, the church had to neutralize this framework. The new framework was established by changing the Canon Episcopi to state that contemporary witches were different from the earlier ones. Greer (2004) notes in the case of Pagan religions of Europe, the "orthodox" institutions supported publications of witch-hunting books like the *Malleus Maleficarum*. This era is known as the "burning times" and lasted roughly from 1400 - 1700s. This author points out that the reconstruction of reality first through literature and then translated into actions. This pattern of behavior developed

over centuries. It would become entrenched into the culture of Western religious belief systems and social structures.

Numerous authors (Greer 2004; Pfohl 1985; Harris 1989; Ben-Yehuda 1980; Goode & Ben-Yehuda 1999;) have provided detailed accounts of the *Malleus Maleficarum* or Hammer of Witches and the official Catholic belief about witches, their actions and motives, and the proper methods for identifying them and obtaining confessions through torture. Oesterreich (1974 101) notes,

like so many other things in the Catholic Church exorcism came to an end...in 1614 with the publication...at the time of the Counter-Reformation with the publication of the *Rituale Romanum*.

The rite of exorcism formulated in this publication remains to be the accepted definition. James (1986 116) also notes that such works

became part of the body of European jurisprudence for three hundred years. They were on the bench of every judge, the desk of every magistrate, and were accepted by both Catholic and Protestant legislators.

These earlier literary works are important to this study because they are a form of ritual abuse law in its primitive state. They also provide an element of legal precedence. Local customs, values, and norms were important components of English Common Law. In turn, Common Law is based in local norms, values, and customs. They established patterns of beliefs still held by some segments of contemporary society (Hodges 2006). Furthermore, poets like Dante (1993) and Milton (1975) rephrased these beliefs about evil. These works personified Satan, individualized the conception of evil, and gave spatial dimension to the conception of hell. Dante's *The Inferno* came out at roughly the beginning of the witch craze while Milton's *Paradise Lost* came at the end of the era. Artists to local publics portrayed the images of witches, hell and Satan in the literature. Hodges (2006) contends literature and art provided frameworks for the construction and reconstruction of new realities of evil. Art and literature of the period gave direct and indirect support to new theologies and frameworks of evil, Satan, and hell.

Ben-Yehuda (1980), Robbins (1959), Spence (1968), and Erikson (1966) all provide similar explanations for the crystallizations, authorization, and denouncement of witches during the burning-time period. Witches and witch-hunts waxed and waned throughout Europe and the English colonies through the 17<sup>th</sup> century. Crime definitions are specific to societies. Social change is constantly at work on the criminal justice system criminalizing, decriminalizing, and recriminalizing behaviors. Friedman (1993) notes that English colonies were theocracies whose laws were based on Biblical scripture. Crimes were sins, sin was crime, and the courts acted as the "secular" arm of the church. The most famous episode was the Salem Witchcraft Trials of the late 17<sup>th</sup> Century. Witchcraft was listed in "The Laws and Liberties of Massachusetts" as a capital offense. The court used special witch trial procedures and experts to identify witches. For example the court accepted as evidence "spectral visions of townspeople," sticking the accused with pins (witches do not bleed), and the use of *peine forte et dure* to obtain confessions. While several explanations (gender aspect, town rivalries and factions, etc.) have been offered for the Salem episode, Cotton Mather's explanation reflects the beliefs of his time. Colonists

firmly believed in the reality of the 'invisible world,' the world of angels and spirits were...palpable reality; Satan, the eternal adversary, dominated the evil half of the invisible world. (Friedman 1993 47)

The 'invisible world' was a crucial aspect of the colonial theory of criminality. Every period asks the question: Why is there evil in the world? Why do people do terrible crimes? Every period has its own conventional answers. The criminal sinner becomes in later theory the degenerate criminal. Pfohl (1985) notes that "the facts" of the Salem trials is clear evidence of the dominance of demonic theorizing until the end of the seventeenth century. With the rise of secular rationality and rule of law, the belief in Satanism, witchcraft, and orthodox religion diminished as a rational belief system emerged to make sense of the world. Holzer (2002) states that a rational, secular belief system will produce different approaches to explain possession:

medical, religious, spiritual, popular, traditional, naturalistic, empirical, and para-psychological. Truzzi (1971, 1974), Bruce (1996) and Hodges (2006) contend that these approaches are applied to witchcraft, Voodoo, Satanism and other belief systems.

It is understandable then that each structural base will develop an approach to account for the ritual abuse phenomena within the parameters of its own belief systems. According to Hodges (2006), the definitions of current belief systems have subsumed selective portions of earlier belief systems. The definitions of current ritual abuse laws are an amalgamation of the contexts from history, religion, science, ideologies, popular culture, politics, and worldviews. He further contends that in the 1980-90s a critical mass of these elements combined to increase an increased awareness of child abuse and to create child abuse laws in five states as certain triggering events occurred.

A legal background to better understand this process can be established by looking at the various levels of analysis found in The Integrated Conflict Theory. The next section makes some brief comparisons and contrasts between the two historic eras of ritual abuse.

## LEGAL BACKGROUND

The study of the origins of ritual abuse entails a process. The early witch-craze era and witch trials provide a template of the Satanic Panic of the mid 1980-90s. In both eras, it was necessary to re-construct and demonize the witch and to re-socialize the faithful to set the sacred legal process in motion. Literature, developed by experts, was used to educate the agents of control and to keep the sacred legal bureaucracy focused on the "sinner." Innocent individuals were wrongfully convicted in order to deter a perceived threat to society.

These social structures, events, and individuals came together in a political critical mass. The lack of evidence, the social construction of the "sinner," the hearsay convictions and sheer paranoia of these eras is amazing in what we believe to be a modern rational era. It portrays what happens when such fears are made into law. The fear factors involved in this process are discussed in the next section.

## Discussion of Fear Factors

Demonic possession, evil witchcraft, and anti-Christian sentiments in general have long histories of conflict in European cultures. These are deeply embedded fears created in Western society extending from a centuries old cultural background of fearing evil and/or the devil. These fear factors have in fact remained a modern problem in a rational society.

The debates over the presence of good and evil have current relevance, especially when portrayed in the mass media. The 2005 movie "The Exorcism of Emily Rose" is the story of Ameliesse Michel's possession by the devil. She died in 1976 after a failed attempt by the Catholic Church to exorcise her of demonic possession. The movie focuses on the debate between scientific and sacred explanations for demonic possession. The defense attorney for the accused priest argued that Emily was actually suffering for possession and that scientific explanations (medicine, psychiatry, etc.) could not explain. The priest is convicted and sentenced to time served in jail presumably because of the jury's acceptance of a sacred, as opposed to a scientific, explanation. These issues can be analyzed sociologically. The ritual abuse scare of the 1980-90s provides the philosophical basis for what caused this conflict in our society and remains largely intact. This is because the structural bases of both belief systems exist in society. Each belief system is considered valid by different segments in society. The basic arguments between the two belief systems have remained the same.

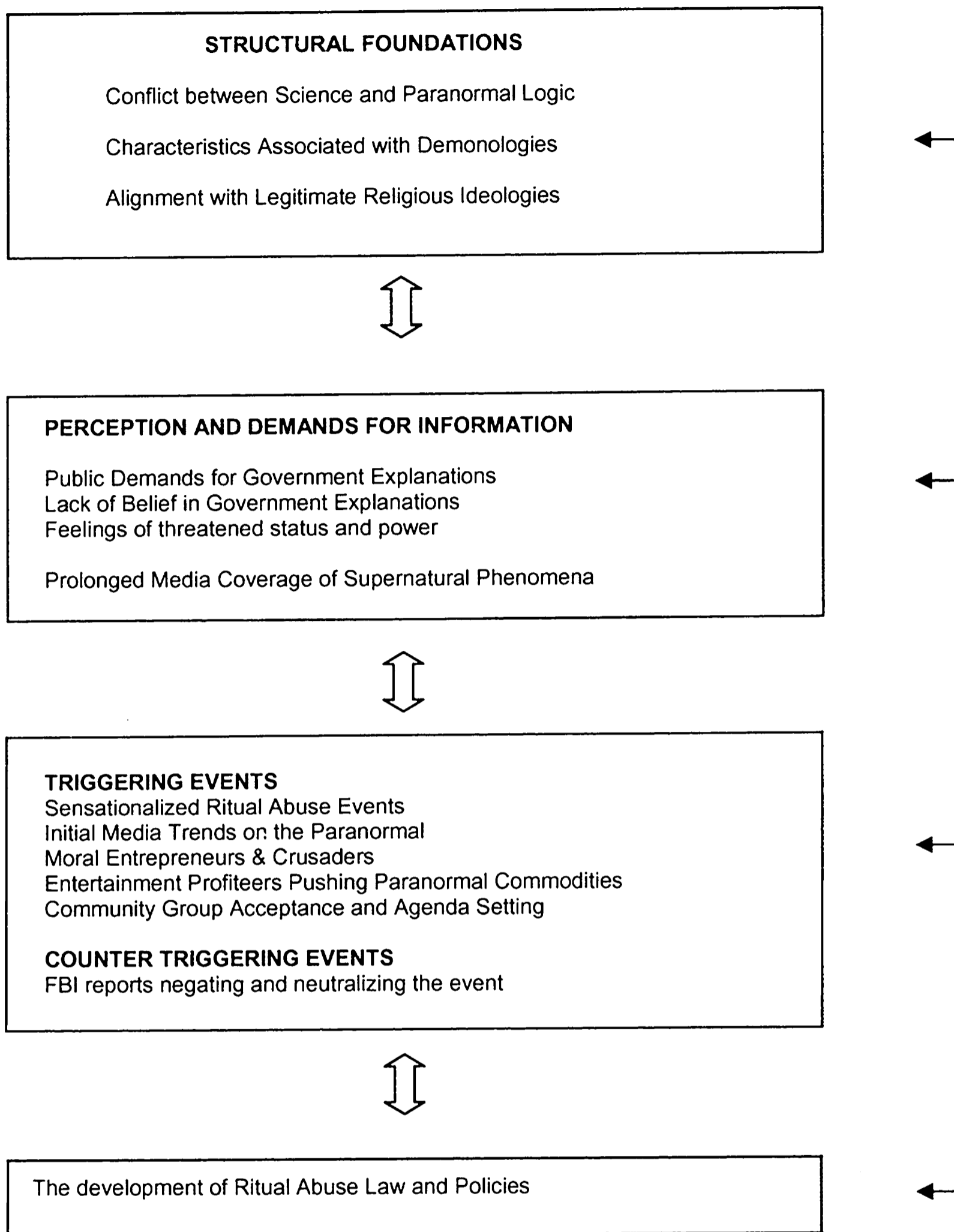
Perlmutter (2004) argues that the differences in explanations exist international. Domestic and international terrorists believe that their acts are signs of social conflict. Their religious and political ideology put them on the side of "good" and justified their violent acts against evil forces. This belief system allows individuals to impose their collective facts on non-believers. It is apparent that a comprehensive theoretical approach is necessary to include the critical elements present in the formation of ritual abuse law.

## THEORETICAL CONCERNS

### Integrative Conflict Theory

The theory selected to analyze the formation of ritual abuse law combines Integrated Conflict Theory and a Constructionist ap-

Figure 1: Applying the Integrative Conflict Model to Ritual Abuse Concepts &amp; Thought



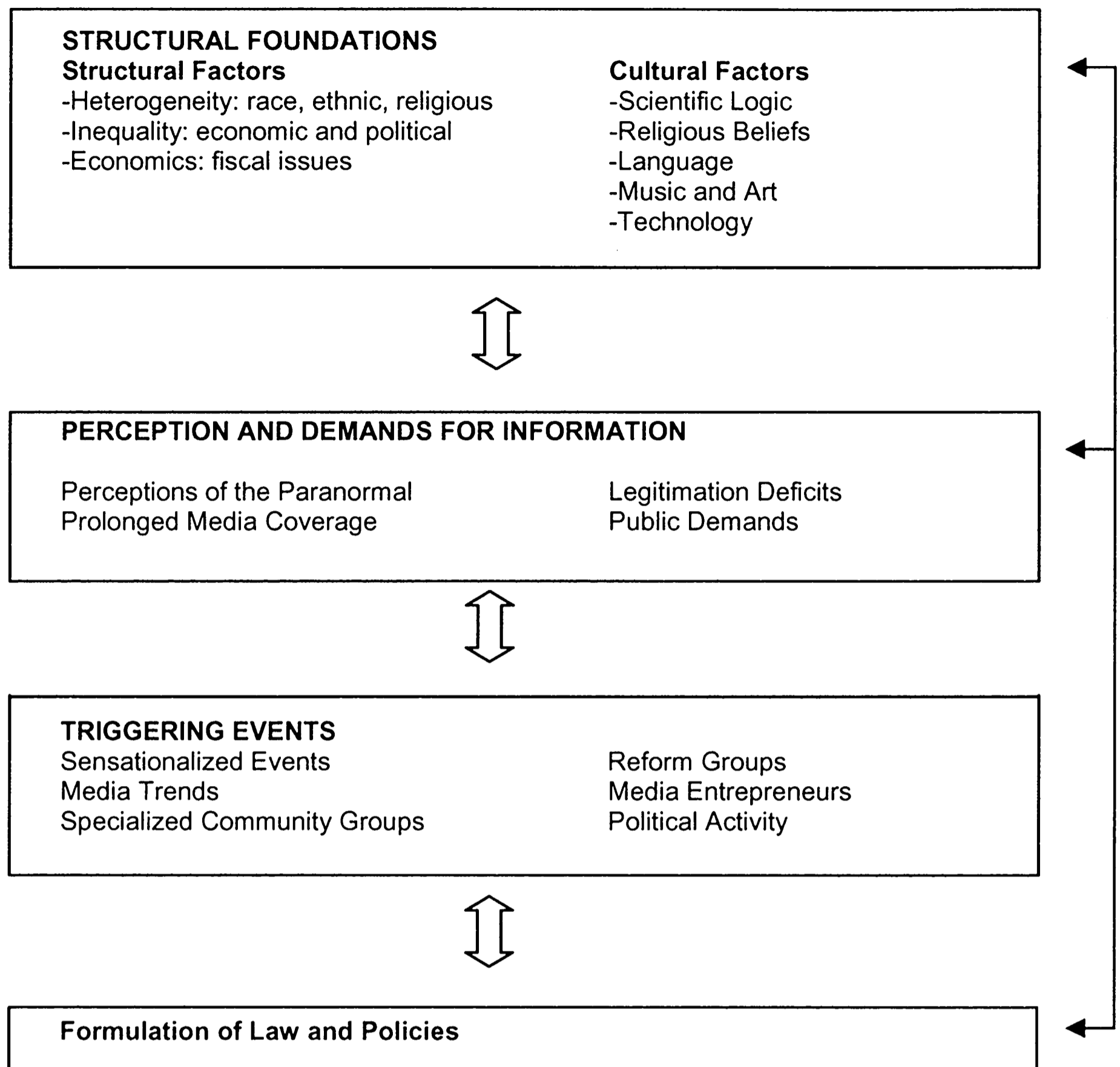
Note: Figure adapted from Hodges and Ulsperger (2005b: 98)

proach. Ritual abuse laws are varied, making it difficult to apply one theoretical approach. There can be inherent conflict within or between several layers of analyses. It is not necessary that the levels occur in a sequential order, just that all are present. Figure 1 outlines the modified version of the Integrative Conflict perspective. Various authors (Galliher & Cross 1982, 1985; McGarrell & Castellano 1991, 1993; Cross 1991; Hodges & Ulsperger 2005a, 2005b) have elaborated this perspective. They argued that different belief systems and ideologies are

important because they provide the core norms and values for the structural bases involved in law formation. These current norms and values are reflected in earlier ideologies. However, competing ideologies are not always in conflict and at times may complement each other.

According to Hodges and Ulsperger (2005b), the Integrated Conflict Model provides a better understanding of this emergent process. These authors use the core components of this theory: structural foundations, perception and demands for informa-

Figure 2 - The Integrative Conflict Model



Note: Figure adapted from McGarrell and Castellano (1991) and Hodges and Ulsperger (2005b).

tion and protection, triggering events, and counter-triggering events. These components are useful in understanding not only the formation of law but also reflect ideological shifts supported by social constructions (see Figure 2).

This model provides the basic guidelines in the development of ritual abuse law and allows consideration of causes, contexts, and elements that are real and perceived, triggering and counter-triggering events and "inherent conflict" at each level of analysis. Causes can be associated with structural bases, which are often the universal, generalizable, and structural streams that have long existed in society. Context can be ideological and cultural aspects of society that are relevant to a time and a local geographic

area involving the phenomena researched. Context deals with the perceived and real notions held by that society. They are often localized and different across geographic boundaries in time and space.

Perceived and real elements are at the heart of the social constructions of reality. The interpretations involved in the creation of "the other" form conflicting ideologies and set the stage for emerging triggering events based on real life situations. Triggering events are those events and phenomena that bring conflict to a point of critical mass. Structural foundations make it possible for triggering events to occur (Galliher & Cross 1985). Triggering events are affected by structural foundations, which can affect change in structural foundations. McGarrell & Castel-

Iano (1991) note that triggering events can include the tactics of moral entrepreneurs. Newsletters from a moral entrepreneur, for instance, can create networks of support that spur other groups to action. These concepts are important because moral entrepreneurs existed historically and currently as the experts.

Inherent conflicts are addressed because there are various kinds of conflict in a society. Under different conditions, conflicts are interpreted in various ways. For instance, are ritual abuse laws the result of conflict between different segments in society engaged in a power struggle for power and dominance? This question of inherent conflict comes out of understanding different levels of analysis. Integrated Conflict model seeks to bridge the gap between micro and macro theoretical approaches. Structural bases are aligned with several social structures in society. This perspective can consider consensus among segments while viewing those same segments in conflict with others. It considers conflict at various levels of analysis (individuals, groups and organizations). The perspective is designed to consider the conflicts that arise out of triggering events and beliefs that arise out of what dominant groups perceive as real. The events can be interpreted as a form of false consciousness or interpreted through Symbolic Interaction. It makes use of Symbolic Interaction in what is perceived and what is real in the social construction of a reality. The perspective also adapts concept of the re-socialization that occurs after the conflict is resolved. The perspective adopts the strengths each theory offers through conceptual combinations. These are woven together as they apply to a given situation and the surrounding circumstances. In this research, it is an analytical guide to a constructionist approach of grounded theory.

### **The Constructionist Approach**

The Constructionist approach requires observation, insight, interpretation, and communication to an audience. Schwandt (1998) and Lincoln & Guba (1989) state the properties of social constructions:

1. Constructions are attempts to make sense of or to interpret experience, and most are self-sustaining and self-renewing.

2. The nature or quality of a construction depends upon "the range or scope of information available to a constructor, and the constructor's sophistication in dealing with that information."
3. Constructions are shared and some of those shared are "disciplined constructions," that is, collective and systematic attempts to come to common agreements about a state of affairs, for example, science.
4. Although all constructions are considered meaningful, some are rightly labeled "malconstruction" because they are "incomplete, simplistic, uninformed, internally inconsistent, or derived by an inadequate methodology."
5. The judgment of whether a given construction is malformed is made only with reference to the "paradigm, out of which the constructor operates," in other words, criteria or standards are framework specific, "so for instance a religious construction can only be judged adequate or inadequate utilizing the particular theological paradigm from which it is derived."
6. Ones constructions are challenged when one becomes aware that new information conflicts with the held construction or when one senses a lack of intellectual sophistication needed to make sense of the new information.

These authors also note that the question of whether constructions are true is socio-historically relative. Truth reflects consensus at a given time on what is the best or most informed constructions. This constructionist perspective comes out of grounded theory. This is especially true when the author knows little about those studied. The approach allows the data to emerge from the sources before it is analyzed and interpreted.

### **Inductive Logic and Grounded Theory**

According to Charmaz (2004), the hallmark of grounded theory consists of the researcher deriving the analytic categories directly from the data, not pre-conceived concepts or hypotheses. Grounded theory and inductive logic methods force the researcher to attend closely to what happens in the empirical world. From a constructionist, interpretative perspective, the researcher must



study the meaning, intentions, and actions of the participants. This is true of source materials, literature or in-depth interviews. The first question focuses on "What is happening here?" The researcher starts with individual cases, incidents, or experiences and develops progressively more abstract conceptual categories to synthesize, and explain the data and to identify patterned relationships. This is consistent with the approach of Integrated Conflict Theory's focus on localized occurrences and their effects on structural bases. This is done through rich, thick descriptions and analysis of the data. Data, methods and theory are woven together in an intricate and complementary fashion to understand the formation of ritual abuse laws (Charmaz 2004).

This author contends that using a constructionist perspective will provide an analytical tool to answer such research questions as "Whom are the people making these claims of ritual abuse?" Why are they making them? What social structures do they represent? What do they say? How do others respond? What are the fear factors and processes involved that promote these social constructions into law? What are the motives of those who make claims of ritual abuse? Why are they successful? Hester & Eglin (1992) conducted early interactionist's studies on the connection between (perceived) accounts and conduct. They paraphrase and interpret C. Wright Mills and Edwin Sutherland:

Mills (1940) referred to socially defined and available "Vocabularies of motive" as permitting the "release" of the energy required to perform an action. These "vocabularies" were good reasons, justifications, excuses, etc., in terms of which action make sense both prior to and after its occurrence. Sutherland (1939) made use of a similar notion in his theory of differential association and, in particular his theory of white-collar crime (Sutherland 1949). In the former, he proposed that a person becomes delinquent because of excess definitions favorable to violation of the law over definitions unfavorable to violation of the law. These definitions referred not only to techniques of committing crime, but also to a collection of motives, rationalizations, excuses, and justification for committing crimes. In his study of white-collar crime, Sutherland indi-

cated that an "ideology" for illegal business practices is learned which helps the novice to accept the illegal practices and provide rationalizations for them. (Hester & Eglin 1992 189-190)

The above quote explains how fears based in belief systems become vocabularies of motive. This is consistent with Hodges' (2006) explanation that fear factors become "vocabularies of motive" and evolve from or into ideologies that work in a similar fashion as fear, anxiety and social change grip a group. Gusfield (1986) suggests that inherent cultural conflicts arise in the form of symbolic crusades. Social values are codified into law to maintain the status of the dominant group. Richardson, Best and Bromley (1991) and Vidich and Lyman (1998) note that this type of study requires a certain detachment of the researcher. This allows the researcher to examine the actions of each entity involved to explain why both actors and processes are the way they are. In summary, a version of the Integrative Conflict and Constructionist's perspectives are combined with an inductive analysis to provide a theoretical understanding of the formation of ritual abuse laws.

## ANALYSES

This analysis is consistent with Currie's (1968) statement on imaginary deviance of the witch craze era. According to Currie, four elements cause the phenomena of witchcraft to be suppressed by the forces of social control.

1. a widespread belief in witches and the practice of witchcraft to harm others;
2. an emerging new occupation involving experts to identify witches;
3. the use of ambiguous tests to discover the witches; and
4. a traditional ideology concerning evil that fuels the search for any deviant acts fits the description.

What Currie suggests with these phenomena is similar to what happened during the ritual abuse scare of the 1980-90s.

The first element above focuses on structural bases such as culture, history, and ideology and the conflicting belief systems that arise. This established a conflict between ideologies that has survived for centuries.

Hodges (2006) includes the need to re-create "the other" in more demonic terms to sensationalize and to establish the fear that would trigger events in both eras.

The second element corresponds to the notion of triggering events. Moral entrepreneurs not only became involved in creation of experts identifying witches but also in getting other professionals involved in the ritual abuse scare. The fear factors justified demonizing "the other" through new interpretations. In the witch craze era, witches were created into a new form of heretic for a variety of motivations. During the ritual abuse panic, mental health professionals were essential in identifying ritual abuse. Experts used hypnosis to reveal repressed memories of their clients to establish the occurrence of ritual abuse. The trust in the accusing experts deflected responsibility and accountability in both the witch craze era and the ritual abuse panic.

The third element suggests that experts established a chain of credibility that other professions found hard to dismiss. In both eras, experts and agents of social control cooperated. In the witch craze era, the experts were the clergy while mental health professionals were important during the ritual abuse panic. In both eras, experts created, interpreted, and defined and constructed social reality. During the witch craze, church policy had to be reframed from witchcraft as an illusion to witchcraft as a real and perceived threat (Ben-Yehuda 1980; Goode & Ben Yehuda 1999; Ellis 1995). This associated the notions of demon possession as a potential reality with multiple personality disorders. In both eras, there were manufactured efforts by experts/moral entrepreneurs that influenced the emerging process. This ultimately led to the creation and prosecution of witches in the witch craze and later Satanists in the ritual abuse panic.

The fourth element focuses on the notion that the ideologies survive intact to be used against future perceived threats to the social fabric. The perceived threat becomes a reality based on an ideology (Thomas & Thomas 1928) that takes form as a social problem. The ideology provides the legitimacy for moral entrepreneurs and control bureaucracy to take on a life of its own. During the witch craze, the Protestant and Catholic Inquisition bureaucracies emerged to destroy heresy in the form of witches. During the ritual

abuse era, the formation of laws through the bureaucracies of social control emerged to find and stop ritual abusers and Satanists. A primary difference during the ritual abuse panic was the role of the media in sensationalizing ritual abuse to the public. Furthermore, Norris and Potter (1986) noted the several occurrences of child abuse at the time of the Satanic panic of the 1980s and 1990s associated with day care centers. This fear factor of our unprotected children at the mercy of potentially evil groups of persons with religious agendas was a triggering event that escalated the forming of social networks to counter the potential social problem. Hodges (2006) contends from these networks other social organizations such as some associated with the mental health profession and the forces of social control became involved and pushed for legal protections resulting in ritual abuse laws.

## CONCLUSIONS

This research is important because the impact of the ritual abuse panic had on wrongful convictions. Many wrongful convictions result in conviction of an innocent person while the actual perpetrator remains free to commit more crime. In the case of a wrongful conviction based on the sexual abuse panic, individuals were imprisoned who had not committed a crime. Gross, Jacoby, Matheson, Montgomery & Patil (2005) clearly note this result of ritual abuse laws gone wrong.

Finally, in one major set of false conviction cases, the patterns of injustice are so complex and murky that we can hardly ever say that specific defendants were "exonerated," even though there is no doubt that most were falsely convicted. We're referring here to the epidemic of child sex abuse prosecutions that swept across the country in 1980s and early 1990s. Focusing especially on child care centers, and frequently including allegations of bizarre satanic rituals.

In almost all of the exoneration cases that we consider in this report there is no question that the murder, rape or other crime did occur. The problem is that someone other than the defendant did it. In these mass child molestation prosecutions, the identity of the perpetrators is not an issue. The question is: Did the crimes really happen at all?...

Needless to say, no physical evidence ever corroborated any of these unlikely claims. In other cases, the accusations were merely implausible, and appear to be generated by over-eager prosecutors and therapists who demanded that the young children they examined tell them that they had been molested, and would not take No for an answer.

Overall, more than 150 defendants were initially charged in at least ten major child sex abuse and satanic ritual prosecutions across the country, from 1984 to 1995, and at least seventy-two were convicted. It is clear that the great majority were totally innocent; almost all were eventually released by one means or another before they completed their terms. It is possible however that some of these defendants did commit some acts of sexual molestation, incidents that later grew into implausible and impossible allegations as the children were interviewed repeatedly by prosecutors and therapists. We included only one of these cases in our database, a case in which we know that all of the supposed victims now say that they were never molested in the first place—that the crime never occurred. Otherwise, none of the wrongfully convicted victims of this terrible episode in American legal history are included on this list because they have not been officially exonerated. (Gross et al 2005 539-540)

Hodges (2006) contends that the mere accusations of children are supported by expert's selective interpretations produces a legal process that accused innocent individuals. These social structures and triggering events came together in a political critical mass during the witch trials of the 1600s. A similar process is portrayed in the 1980-90's ritual abuse scare and the attempt to protect children.

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