

**The Devil's Justice: Tacit Aesthetic Knowledge and the Absence of Evidence in the West
Memphis Three Murder Trial**

by

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Preface

I first encountered the so-called “West Memphis Three” homicide trial over a decade ago, on a treadmill of all places. By chance, I ended up watching the first *Paradise Lost* documentary while I ran.

It struck a chord with me at many levels. I grew up in a conservative Christian family in the Pacific Northwest in the 90s. At the risk of “putting too fine a point on it”, I was *both* a “Good Christian boy” and everyone I knew listened to Nirvana, Pearl Jam, Led Zeppelin, and so on. My *parents* listened. I knew, in a deep, non-reflexive way that knowing who Eddie Vedder was didn’t make someone a Satanist. And I was confused—maybe even indignant—to learn that in another part of the US, a group of people disagreed. Indeed, a large enough group of people believed this they were able to push a *first-degree homicide trial through to completion*. How did this happen?

It also frustrated me as a person dedicated to logic, rationality, and science. Nothing about the trials appeared to follow any reliable rationality that should theoretically lead to the death penalty. The confession had been plainly coerced, to the point of stupefaction. There was no physical evidence. There were multiple other leads local police had chosen to not pursue. How did this happen?

But it also hit too close to home. I was part of that elite group of children whose parents saw the *Harry Potter* franchise as evil because it involved witches. I was directly impacted by the bizarre panic about Pokémon brainwashing kids. In fact, Pokémon was swept up into the

very Satanic Panic behind this homicide trial (Fisher 2019). I was one of many kids forced to abandon my collection of Pokémon cards to protect me from the Devil. How did *that* happen?

I knew there was an irrational fear of the Devil. But in my idealized view of the world and its leaders both political and intellectual, that fear had been limited to a bizarre moment in my childhood in a specific evangelical context. It never occurred to me growing up that this panic would affect law enforcement, judges, juries, and psychologists.

Then I saw *Paradise Lost*. And I've been preoccupied with the West Memphis Three ever since.

The case at its core—the murder of three boys at Robin Hood Hills—is a hard case. At a basic level, it's hard because however it happened, three young boys ended up murdered in horrific fashion. It's hard because, as a result, three teenagers ended up wasting away in prison cells without a shred of evidence. But it's also hard because the case has quite a lot to say about much deeper layers of society—our religions, justice system, academia, modernity in general.

The case suggests a major gap in how we understand ourselves as human societies. If ultimately, society is heavily dependent on irrational, tacit forms of knowledge cultivated beyond formal discourse, then our solutions to social ills may need to be adjusted. If people are governed by affective impressions and inexpressible beliefs, then our imagined community may itself be imagined on misleading premises. Indeed, if justice cannot be guaranteed on set standards, then the social contract is itself in danger. What would equality even mean if we set aside classical ideas about the law?

Lives were ruined here. Lives were *ended* here. And I do not just mean Christopher Beyers, Steven Branch, or Michael Moore. Tragic cycles of domestic violence, delinquency, belligerency followed in virtually all the touched families. Jessie Miskelley, the boy who

“confessed” in this case now lives in his father’s old trailer. His father died before he was released, and no one can convince him to move elsewhere.

To that end, I feel it necessary to state my intentions clearly. This dissertation does not aim to “solve” the murder of Christopher, Steven, or Michael. I don’t even want to indicate who I believe was involved. For that matter, my primary aim is not even to suggest Damien, Jason, or Jessie are in fact innocent. My aim is “larger” in the sense that I am concerned with more abstracted theoretical processes. And it is “smaller” in that I do not aim to bring justice or resolution, or even to make claims about the details. I do, however, believe that the proceedings were unacceptable, and an Alford Plea should not have been necessary to free the Three.

It is—for the most part—an uncontroversial opinion to state that something went awry in the West Memphis Three Trial, even if one believes the three teenagers were guilty. I am interested in understanding *why* the trial went awry and what that tells us about criminal justice—and society-- more broadly.

Finally, there is something ethically dubious about the ongoing obsession in society with “true crime”. I’ve even struggled a bit with personally with professionally building on such a horrific crime without offering resolution. My hope is that drawing attention to flaws in our criminal justice system—and how we understand knowledge more generally—will at least derive some benefit for future trials, if not this one.

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Abstract

On May 5, 1993, three eight-year-old boys were reported missing to the West Memphis Police in Arkansas. They were found dead the next day, partially submerged in Robin Hood Hills Creek, a small green space popular with local kids. The ensuing “West Memphis Three” homicide trial resulted in one death sentence, two life terms, twenty years of civil action. At the heart of the case was the conviction of three teenagers for the murders with virtually no physical evidence and salacious allegations of Satanic Ritual Abuse, a conviction that is widely viewed as a substantial breakdown of the ideal flow of the justice system. This dissertation critically examines how and why the Satanic Panic narrative came to dominate the construction of justice in West Memphis. Analyzing contemporaneous news, court documents, and interviews with involved social actors, this dissertation first provides a critical narrative of the investigation, trial, and activism that followed and in doing so, demonstrate that a powerful narrative of satanic cult activity derailed the flow of justice.

In particular, I first demonstrate that in the face of a heinous crime, the ensuing moral panic fueled by misinformation, rumors, fear, and mistrust demanded a narrative that maintained the existing symbolic universe. This need also made traditional explanations insufficient. As

such, a global narrative about satanic cults provided an able substitute, offering moral and emotional clarity, reifying moral boundaries, and absolving the community. Second, I then examine how this global narrative was then tied to three local teenagers via what I call tacit aesthetic knowledge about the teens' tastes and appearances, even when such knowledge contradicted known facts. This tacit aesthetic knowledge also allowed non-traditional experts and wider civil society members to insert themselves as 'legal witnesses' for a period of prolonged activism.

I situate my work in a social constructivist context with a particular eye toward cultural narrative construction. I ultimately demonstrate that the Satanic Panic Narrative came to dominate the construction of the West Memphis Three trial because of moral panic in a local community which necessitated a narrative that met the dramaturgical needs of the community. Thus, the purpose of the ensuing investigation and trial transcended the application of law and was more heavily aimed to restoring moral order by prosecuting monsters. The community specifically developed and tied this narrative to the West Memphis three through powerful affective logic rooted in tacit aesthetic knowledge.

My contributions are as follows. First, I apply a sociological lens to the West Memphis Three trial, explaining how and why the Satanic Panic narrative came to dominate the construction of legal justice in West Memphis. Second, I contribute nuance to discussions about how legal justice is socially constructed in extreme criminal cases. Theoretically, I contribute by developing and articulating the concept of tacit aesthetic knowledge.

Chapter One: Introduction

On May 5, 1993, three eight-year-old boys were reported missing to the West Memphis Police in Arkansas. They were found the next day, partially submerged in the Robin Hood Hills Creek, a small green space popular with local kids. The ensuing “West Memphis Three” homicide trial resulted in one death sentence and two life terms (Staff 1994; State v. Echols 1994). There was no physical evidence or witness. Instead, the prosecution’s argument largely depended on a dubious confession and convincing the jury that the three teenagers in question were in a Satanic cult, and thus capable of homicide.

Most of the core facts of this case are widely known and available. A decent number of films and books cover the basic details. The question of *how* this happened has proven harder to answer.

Part of the answer always comes down to a sort of general intellectual gesture toward the “Satanic Panic” as explanation. And, obviously, this case involves the Satanic Panic. Before turning to the empirical portions, I review the literature on the Satanic Panic as a whole. But this dissertation is not about the Satanic Panic in general. Instead, I examine how an international hysteria nearing its end managed to touch down in a small town in Arkansas.

In other words, I am more interested in the mechanics behind how a global phenomenon became localized and concrete enough to directly impact a homicide investigation. What conditions made it possible for this group of people to connect their circumstances to the notion of satanic cults, even vaguely?

More concretely, this dissertation takes a cultural constructivist approach to understand how and why the Satanic Panic narrative came to dominate the West Memphis Three trial.

Ultimately, I argue that a heinous crime led to the rapid development of a localized moral panic—a crisis of the symbolic universe of West Memphis. This panic demanded a powerful narrative about the type of person who could commit such a heinous crime in order to maintain existing moral norms and meaningfully explain—and punish-- such a crime.

This narrative was then attached to three teenagers in a way that was treated as factual and absolute in the absence of actual established facts or physical evidence. Indeed, this narrative was often treated as more legitimate than available facts. This narrative was attached to the three teenagers through a series of aesthetic associations inherited from a much larger narrative, largely untethered from reality and unexamined at a cognizant level. These aesthetic associations, uninterrogated as they were, were also what allowed for a much larger population to become popular witnesses and “experts”, drawing millions of eyes onto a case that would have possibly otherwise been ignored.

I describe this form of judgment as *tacit aesthetic knowledge*. Tacit knowledge of any type requires internalization, so it feels “natural” (Roediger 1990; Schopenhauer 1966). This tacit aesthetic knowledge, I suggest, is central to the process of reasoning that resulted in the conviction of the West Memphis Three. There is no physical evidence tying the three teens to the crime (this was further bolstered by their eventual release on ongoing lawsuits). The entire investigation - from the police insinuation on the first day that cults may be involved to the Boys’ eventual Alford Plea deal - was shaped by popular aesthetic judgments on the West Memphis Three made by the broader public.

Through careful narrative exegesis, I answer the question of how and why the Satanic Panic narrative came to dominate the symbolic construction of legal justice in West Memphis. I ultimately argue that two pieces were critical variables: the state of moral panic and tacit aesthetic knowledge.

I first find that the critical condition of moral panic 1) eliminated traditional explanations and 2) necessitated an extreme narrative explanation to offer moral coherency. This allowed for advocates of the Satanic Panic narrative to apply and expand this understanding. In other words, the community required a monster and the existing Satanic Panic narrative offered such an explanation and was already familiar.

Second, I find that this narrative was concretely embedded by the community into specific individuals using tacit aesthetic knowledge, a form of affective judgment and reasoning that drew on uninterrogated assumptions about pop cultural tastes, behaviors, and appearances. More specifically, relevant visual cues were clearly informed by contemporaneous popular culture (i.e. they listened to Metallica and wore all black). This, situated in the Satanic Panic of the day, led to the deeply irrational assertions made in court that the defendants were secretly Satanists (Gatchet and Gatchet 2017; Goodwin 2018). Indeed, police had already decided they needed to look for Satanists specifically. Ultimately, aesthetic judgments dramatically shaped the course of the criminal investigation at each stage, including the arrest, trial, and conviction of the West Memphis Three.

To understand and process a heinous crime, West Memphis grasped for narratives. In 1993, there happened to be a very powerful narrative about the abuse of children, along with well-known characters, motifs, roles. To be blunt: In the absence of information, the community of West Memphis filled in the blanks.

I thus proceed as follows. I first begin by contextualizing the West Memphis Three murder trial in the broader relevant literature on the sociology of the law and miscarriages of justice. I start by examining the general sociological perspective on the law and criminal justice. I then turn to the small amount of existing scholarship on the West Memphis Three trial itself. Then, with an eye toward understanding how Satanism came to be the dominant framework in West Memphis, I trace sociological research on key social variables that shape legal inequality and bias. I focus especially on class, race, gender, mental illness, and religion.

I then explicate my theoretical framework. I broadly contextualize the case in the context of social constructivism and the cultural construction of meaning and law more specifically. I then define my two key variables-- moral panics and tacit aesthetic knowledge—in detail.

I proceed empirically in two parts. I first critically examine the West Memphis Three investigation beginning with the murder of Christopher Byers, Steven Branch, and Michael Moore and the ensuing investigation. In particular, I examine how a narrative developed around the case in the absence of suspects or evidence. In the absence of accurate information, and vague answers from law enforcement, the media and a panicked public spiraled into a state of moral panic. They then pulled on the global Satanic Panic narrative to provide some clarity, even in contradiction of known facts.

Second, I examine how the Satanic Panic narrative was concretely connected to three teenagers. I specifically examine the Miskelley confession, the history of law enforcement relationship to Damien Echols, and the evidence used in court to demonstrate their alleged Satanism. I argue that aesthetic judgments rooted in tacit aesthetic knowledge were used to justify the application of the Satanic Panic narrative and the conviction of the three teenagers. I

then shift to examining how those aesthetic judgments eventually came to be contested and delegitimized in the realm of pop culture itself.

Finally, I sociologically explicate the overall process whereby the community socially constructed the West Memphis Three investigation, trial, and outcomes. I particularly note the ways in which social bias factored into the development of the trial, the various actors involved at all levels, and the narrative frames deployed. I ultimately focus on the two critical variables that explain how and why the Satanic Panic narrative came to dominate. First, a state of moral panic was critical to the extreme explanation that followed. Second, the Satanic Panic narrative was tethered specifically to West Memphis through tacit aesthetic knowledge. I then finally discuss implications and potential avenues for future research.

Chapter Two: Literature Review

The core of this dissertation is relatively straightforward: how and why did Satanism and the Satanic Panic come to be the dominant frame whereby the murder of three children in West Memphis was adjudicated? This question is even more pronounced given the often repeated and validated rejection of Satanism from all three teenagers.

In general, it is well documented in scholarship and common knowledge that ideal justice is often not achieved. Indeed, justice is not the full social purpose of the law. This is perhaps self-evidently true in the West Memphis Three trial, where evidence was largely eschewed in favor of a powerful narrative frame about Satanic cults and the alleged Satanism of the three teenagers in question.

To understand why Satanism came to dominate the case, I first examine the concepts behind classical legal theory in contrast to the actual functions of the law in society more generally. I then examine the existing limited literature on the West Memphis Three. I then turn to the ways marginal social identities impact and shape the experience of individuals in the justice system, including class, race, gender, mental health, and religion.

Ultimately, this case is useful in offering two contributions to sociological research. Primarily, this dissertation turns a sociological eye to the West Memphis Three, seeking to explain the satanic component of the trial in the context of larger social theory. More generally, this dissertation examines an extreme example of the social construction of a criminal case in the

absence of expected evidence and the most common social identifiers that shape the way communities tend to negotiate narrative and meaning.

Ideal Justice

One of the authoritative sources on the nature of law and its relationship to citizens appropriately invokes a model of “aesthetics” to explicate visions of how law works:

My use of the term draws on its Greek etymology (aisthetikos), meaning perception or sensation. In this conception, the aesthetic pertains to the forms, images, tropes, perceptions, and sensibilities that help shape the creation, apprehension, and even identity of human endeavors, including, most topically, law. (Schlag 2002, 1050)

Schlag argues that the law is aesthetically imagined in four ways: the grid, the energy motif, perspectivism, and the dissociative aesthetic. Each evolved in a semi-chronological order and heavily impact how law is approached and applied.

Modern law according to Schlag was originally conceived according to a grid aesthetic. The grid envisions law as a series of crimes and punishments, wherein “the characteristic role of the judge and the academic is to “apply the law to the facts” and to “police the boundaries of the grid” (Schlag 2002, 1058). This grid allows for the concept of “blind” justice and detachment. Law is simply a matter of application.

This model of law is essentially the model that developed in the “classical” period of legal thought. The classical period in European legal thought roughly started in the late 18th century. (Beccaria 1764; Pfohl 1985; Semple 1993). There was an almost immediate response—the new French Government adopted Beccaria’s recommendations into the French Penal Code of 1791 (Ancel 1958). It was quite literally conceived as a grid of crimes and punishments.

There were immediate challenges—and resultant modifications. Courts quickly came to realize the complex challenges posed by premeditation, mitigating circumstances, and insanity. But as many challenges as would arise—especially later with the constructionist perspectives in criminology—the classical model has remained the foundation of law today. Indeed, it was a wave of “neoclassical” theorists that produced the now infamous “three strikes” laws implemented by the Clinton Administration to combat drugs (Sutton 2013).

Law in Practice

Of course, law is rarely executed in an ideal fashion. Schlag, as mentioned, does ultimately argue there are *four* aesthetics of law. The energy motif emphasizes change and transformation in law as a result of conflict and the relative weight of factors involved (Schlag 2002, 1071). In this, the energy motif brings us closer to the social scientific understanding of the reality of law in society.

At a broad level, law is sociologically speaking a social construct akin to the rest of society and thus changes over time through complex processes involving many actors (Dickson 2001; Schauer 2005). Classic works have demonstrated the deeply entwined and social nature of jurisprudence, with Bourdieu categorizing legal culture as a field that includes many outside observers and community members (Bourdieu 1987b). In this sense, sociology pushes us to see law and the criminal justice process more wholistically, constructed over time and involving the wider community and social context.

Indeed, the gap between law in theory and law in practice is probably one of the largest fields within socio-legal studies (Edelman and Galanter 2001). In part, this is related to a larger reality that comes from both cultural and Marxist critiques—law and jurisprudence are situated in and sustained by particular cultural values, beliefs and norms (Cotterrell 2008) as well as

within power dynamics. Schlag's third aesthetic, perspectivism, builds on the energy motif by highlighting the power and significance of individuals and identity in the shaping of law. Finally, the dissociative aesthetic builds further on perspectivism by asserting simply that "the state, legal rules, custom, and psychological dispositions are not external to each other; they are already glommed onto each other (Schlag 2002, 1097). This stems from Gramsci's original insight into the many ways in which law buttresses hegemony (Gramsci 2011).

That said, there is also substantial literature on the relationship between law and activism (McCann 1994) and the relative importance of symbolic victories for excluded groups (Edelman 1964). Sociology has also demonstrated that law and social values have a cyclical relationship, constituting each other (McIntyre 1994). Further, many major changes in law specifically follow changes in minority group standing (McIntyre 1994).

Social theorists have also begun to apply post-structuralist theories to law, essentially showing how contrasts within law are mutually constitutive and therefore mutually dependent (Balkin 1987). This is in fact much like how Alexander later talks about evil as he developed his "strong" program in cultural sociology (J. Alexander 2003).

Finally, drawing from cultural sociology, recent scholarship has demonstrated the utility of applying a dramaturgical perspective to the social construction of law. The court room functions much like a theater, constrained by a specific sub-set of cultural roles, types, stages, and the like (Nellis 2021). Indeed, a legal trial in fact serves a wide range of needs and behaviors generated by theatrical necessity beyond the technical application of law (Leiboff and Nield 2010). In fact, the Durkheimian branch of sociology has long shown the function of crime and criminal justice in broader society far transcends a particular case. The punishment of crime has wide-reaching functional effects, namely reifying cultural norms and boundaries for inclusion

(Burkhardt and Connor 2016; Durkheim 2016a). For that matter, boundary work as seen in criminal trials is similar to the boundary work done to maintain civil society (Alexander 2012a; Thumala Olave 2018). And even major historical events seen as universally understood were at one point morally contested. To this point, Alexander examines the Holocaust was coded as “evil” and narrated into what it is now, tracing the political activism, media and historical cultural work involved (J. C. Alexander 2003).

At a more midlevel approach, labeling theories focus on how individuals come to be labeled as deviant, the various, impacts of these labels, and the relationship of labels to actual crime. Becker’s seminal work on deviance, *Outsiders*, explored the multiple possible relationships a person could have to deviance and the power of the label once applied. Ultimately, he shows how the label of “deviant” comes to apply to a person and overpower other statuses in social life (Becker 1963). Expanding further, Becker himself described how he built his labeling theory from Everett Hughes. Hughes worked on “auxiliary status characteristics” and was particularly interested in the intersection of race and profession. He developed the idea of master status-determining traits, and how these statuses can overpower less “important” statuses (Becker 2020, 130). A further important feature here is twofold: On the one hand, labels can be applied regardless of any actual deviance. On the other, said labels are socially consequential for individuals’ life courses within community regardless of said labels’ accuracy. This is a useful lens to apply to the West Memphis Three, especially when considering the prolonged harassment by law enforcement Damien Echols experienced long before any murders occurred.

The relatively recent subfield of cultural criminology specifically considers crime and criminal justice in the context of meaning, expression, and construction. To that point, Ferrell et

al, outlining their approach, argue, “This cultural criminology seeks both to understand crime as an expressive human activity, and to critique the perceived wisdom surrounding the contemporary politics of crime and criminal justice” (Ferrell, Hayward, and Young 2008). In a more general sense, the subfield of cultural criminology has articulated a basic conviction that “cultural dynamics carry within them the meaning of crime”. (Ferrell, Hayward, and Young 2008, 2). At this point, Cultural Criminology is more of a generally shared mixture of methods and perspectives more than a commitment to a specific cultural perspective, a la the “strong” program in cultural sociology to which we will turn later.

It is unfortunate that the subfield has not already become more robust, but it is well positioned to offer important insights into social life in general. As Ferrell and Hayward point out:

“[Cultural Criminology’s] twin focus on culture and crime – put differently, on meaning and transgression – positions it at precisely those points where norms are imposed and threatened, laws enacted and broken, rules negotiated and renegotiated. Such a subject matter inevitably exposes the ongoing tension between cultural maintenance, cultural disorder, and cultural regeneration – and so from the view of cultural criminology, the everyday actions of criminals, police officers, and judges offer not just insights into criminal justice, but important glimpses into the very process by which social life is constructed and reconstructed. “(Jeff Ferrell, Keith Hayward 2008, 4)

Crime offers a particularly useful moment for researchers seeking to understand cultural life, as it is precisely the “bleeding edge” and stress points of culture that crime occurs. Put differently, crime and criminal trials offer a uniquely potent look at the social construction meaning and norms. Crime-- and the cultural work around it— by nature expose deeper fissures in social life.

Research on the West Memphis Three

Given this, it is perhaps unsurprising that justice was not delivered flawlessly in West Memphis. It is generally accepted as true that legal process and criminal justice are socially

constructed and contentiously navigated by a wide range of actors. My question is more narrowly focused on the particulars: How and why did the “Satanic Panic” narrative get introduced into this case and come to dominate legal proceedings?

Unfortunately, social scientific research on the West Memphis Three murder trial is very limited. In many ways, the Satanic Panic seems to not exist on the radar of many academics. Indeed, one article I came across unironically argued that “goths” and metal fans had become marginalized after the Columbine High School shooting, with no mention of the Satanic Panic or the treatment of metal music fans or goths throughout the 1980s and early 1990s (Muzzatti 2004).

As I will discuss shortly, some scholarship mentions the West Memphis Three as a part of the larger Satanic Panic, especially emphasizing the role of media and entertainment (Frankfurter 2008; Hughes 2000). Mara Leveritt, the journalist who wrote the famous true crime investigative reporting book *Devil’s Knot*, examined the mixed merits of the role public advocacy in the criminal justice system (Leveritt 2002a, 2011). The Hon. Daniel Stidham, then defense attorney for Jessie Miskelley, examined the challenges cultural difference poses for basic constitutional rights, arguing the West Memphis case failed at least in part because of these differences (Stidham, Fitzgerald, and Baldwin 2012). Relatedly, Goodwin highlighted the powerful Christian norms that structured and constrained civil rights in the case of West Memphis and others during the Satanic Panic (Goodwin 2018). And Gatchet and Gatchet see the psychological process known as projective identification as central to the outcome.

That said, none of the existing literature has attempted a specifically sociological interpretation of the West Memphis Three trial. Further, none has rigorously theorized the deep social mechanisms by which a specific narrative framework-- Satanism and the Satanic Panic—

came to dominate the entire process as the community attempted to construct meaning and moral boundaries.

Miscarriages of Justice

Given existing literature on the West Memphis Three does not speak sociologically to our question, it is necessary to consider other potentially relevant bodies of literature. I have thus far broadly situated the case as an instance of the social construction of law and justice, a process navigated in a particular context. I've also generally noted that the process of constructing meaning via criminal justice is deeply performative and dramaturgical, performing important boundary-work and reifying moral norms.

But the question at hand is more specifically focused on how Satanism came to play such a potent role. Temporarily setting aside the question of the teens' actual religious identity, religion is one of many potent social variables that has a powerful impact on the gap between ideal justice and justice in practice. Thus, my question should be considered in light of these existing variables. First, I review more general literature on social inequality before the law. Then, I look at some of the most potent social variables in legal cases: class, race, gender, mental health, and religion.

At its most basic level, sociology and criminology have heavily investigated discrimination and the variety of ways social inequality shapes one's relationship to the criminal justice system. We know that social factors expose marginalized individuals and groups to unequal application of the law. In broad terms, we know that marginalized groups are more likely to face imprisonment, especially where criminal justice is dominated by "singular hegemonies" (Muller 2012, 2018). Indeed, socio-legal research has demonstrated that structural discrimination requires social context and structural biases to give impressions meaning and

consequence (Corrigan, Markowitz, and Watson 2004). In other words, for stigma and bias to have power, there needs to be strong and hegemonic consistency in terms of meaning.

At a macro-social level, Dugan and Chenoweth, building on Blalock's work, developed two theories about hate crimes specifically (Blalock Jr. 1967; Dugan and Chenoweth 2020). First, in the *political threat hypothesis*, they argue that positive government attention is related to an increase in hate crimes against a given group. Second, in the *emboldenment hypothesis*, they argue that negative government attention toward specific groups also leads to more hate crimes against a given group.

At a more mid-range theoretical level, a subfield of literature has explored the role of jury bias and its relationship to social inequality. First, and most generally, we know that Dominant groups tend to be overrepresented on juries (Deosaran 1981). There is clear evidence of jury bias as a result of structural inequality on the whole (Girvan, E., & Marek 2016). For example, there is evidence of race bias toward guilt in race-stereotypical crimes (Phan, D. K., Espinoza, R. K. E., & Sy 2022).

The ways in which these biases function have been explored as well. It has long been demonstrated that individuals tend to make decisions that benefit people they perceive as belonging to the same group and punish people that do not (Pettigrew 1979). Similarly, if individuals feel a sense of similarity to the defendant, then tend toward leniency (Kerr N. L., Hymes R. W., Anderson A. B. 1995). These patterns have been demonstrated across several demographic dimensions, including gender, race, and political beliefs (Miller, Maskaly, and Green, M. Peoples 2011). Finally, jury bias also has implications for sentencing—research has shown generally that if a person's alleged crime is congruent with stereotypes—especially race and gender in current research—they tend to be harsher (Strub and McKimmie 2016).

Given these general sociological findings, we can now consider more specific social demographic categories that have a demonstrated impact on criminal justice.

Class and Criminal Justice

Class bias affects criminal justice at all levels. Generally speaking, there is a strong relationship between class, deviance, and punishment (Messner and Krohn 1990). Most research has attended to the ways class and power impact the overall structure of the system and what constitutes criminality and law. It is long-argued that American justice more often serves the interests of elite society (Chambliss and Seidman 1971). The social patterns of various social groups tend to reproduce themselves and by extension, those at the top of social stratification tend to reify their lifestyle and values. Indeed, criminal law is created by those in power and laws pertaining to criminality more often impact those of lower classes (Barak, Leighton, and Cotton 2014).

A substantial body of research has specifically interrogated current conceptions of crime and what is treated as illegal. Indeed, Sutherland's now iconic work investigating white collar crime and its relative impacts was only released in a heavily edited version for decades because it was perceived as too critical of the upper class (Sutherland 1985). Since then, many socio-legal scholars do not even actually define crimes by specific laws. Instead, they rely on a concept created by Lanier of "analogous social harm". Lanier and Henry found any things are not considered criminal even though they cause similar consequences (Lanier and Henry 2004). From a sociological perspective, these actions should be treated similarly.

Beyond questions of legal construction and jurisprudence, class also heavily biases outcomes. In terms of police patrolling and arrests, the poor are selectively targeted (Butler 2013). Similarly, there is a well-documented "school-to-prison pipeline" that heavily

disadvantages poor teenagers (Geronimo 2011; Simons 2017). Class as a demographic variable also shows similar sentencing disparities to race (Reiman and Leighton 2012). While this is in part due to resource access, it also relates to strong biases juries often hold due to poverty. Indeed, in capitalist societies there are strong moral ideas about poverty that attribute such hardship to moral failings (Hirschman 1991). Further, in keeping with general scholarship on jury bias, race and class stereotypes powerfully intersect with sentencing. In essence, if the accused commits a crime that the jury perceives as being “expected”, they tend to be harsher. For example, white embezzlers received harsher sentence and black burglars received harsher sentence (Gordon, R. A., Bindrim, T. A., McNicholas, M. L., & Walden 1988).

Race and Criminal Justice

This leads neatly into a discussion of the relationship of race to criminal justice. It’s widely documented that African American communities in the United States are disproportionately patrolled and prosecuted for drug use (Alexander 2021). Beyond drugs, a wide range of disparate outcomes in terms of race have been documented. For example, African Americans and other non-White minorities are at a much higher rate of victimization and thus have higher anxiety about crime, they are disproportionately incorrectly identified as the offender even when a different race than the actual offender, and they are in general described as “over-policed, under-protected” (Phillips and Bowling 2017).

Indeed, there is a robust body of literature that analyzes the relationship between social inequality, policing, and race (Bell 2020; Flores 2020; Jacobs 2019; Nurse 2014). In recent times, this has proven especially true in the wake of the Black Lives Matter Movement (Gaston, Brunson, and Grossman 2020). Research has demonstrated the relationship between police abuse

of power in racially segregated neighborhoods and ongoing legal cynicism (McCarthy, Bill, John Hagan 2020). It has also shown that discriminatory penal institution preferences reproduce racial segregation (Bell 2020). And it has been consistently demonstrated that the use of deadly force by police is substantially disproportionate (Jacobs 2019).

At the more immediate level of juries and social interaction, there is clear evidence of significant sentencing disparities across racial lines and crime type (Lynch, Patterson, and Childs 2008). There is also a wildly disproportionate ratio of minorities who receive the death penalty relative to crimes that could potentially receive the death penalty—about 40% are black and the rest white, with Latinos included in the “white” demographic (Barak et al. 2014).

Intersecting with the aforementioned literature on the “school-to-prison” pipeline, research has shown that racial minority youth are much more regularly perceived as “hostile” or “aggressive” (Konold et al. 2017; Watson and Gelder 2017). Further, Watson and Gelder specifically found that perceptions of white and black youths were specifically tied to which emotions were visibly expressed by the teenagers in question.

Gender and Criminal Justice

Gender interacts with crime in a variety of complex ways. For example, scholarship has examined the unique forms violence against women often takes, and the experience of being a “multiple victim” in such a context (Brown and Heidensohn 2000). There is also research on the effect of dominant protestant cultural narratives on incarcerated women that serve to support state authority inside prisons (Ellis 2020) and the broader ways gender shapes the informal structure of life in prison (Kreager et al. 2020). And of course, there is substantial literature on the ways in which gender differentiates criminal experience—specifically with prostitution and drug use (Jackson 2015).

Pushing even further, Crenshaw and Richie have also begun to explore the intersectional differences before the law as seen in police violence faced by black women (Crenshaw et al. 2015). There are of course many more studies on elements of social identity that have a demonstrable impact on individuals' and communities' relationships to the criminal justice system.

In terms of jury bias, gender plays a complicated but pronounced role. For example, gender affects perceived expert witness credibility with a given jury, depending on the context of a particular type of crime (McKimmie et al. 2004). Gender also affects sentencing. First-time female offenders are sentenced less harshly—men receive 60% harsher sentences in the context of most violent crimes (Starr 2012).

Gender bias and cultural beliefs about womanhood play a significant role here. In a highly specific case study, Wilczynski found that in the case of killing of one's own children, men tend to be punished harshly and women receive psychiatric help (Wilczynski 1997). This was in part explained by gender norms that culturally perceive women as being incapable of such horrors as mothers, apart from being unwell. Interestingly, one controlled study of a jury found that men were found guilty of the same crimes with the same evidence more often, but if a woman was found guilty, they were sentenced more harshly. Strub and McKimmie suggests this was rooted in gender-stereotype policing (Strub and McKimmie 2016). In other words, juries tended to assume men and women could not have violated gender norms. In the case when the evidence was incontrovertible, juries were aggressive in punishment—essentially performing the Durkheimian task of reifying moral and cultural norms via legal proceeding.

Mental Health and Criminal Justice

A relatively young body of literature investigates mental illness as a social variable in the criminal context. Broadly speaking, scholarship has shown strong relationship between mental illness and criminal justice inequality across the “life cycle” of criminality. In general, 70% of people with mental illness do not receive treatment, largely due to avoidance and stigma around mental illness (Henderson, Evans-Lacko, and Thornicroft 2013). Further, structural discrimination against mental illness, such as intentional policies that discriminate, feed back into cultural stigmas about the mentally ill (Corrigan et al. 2004). One outworking of this is the dramatically increased frequency by which police are called for mentally ill individuals, which then begins a cycle of criminalization for many that continues throughout their lives (Bala et al. 2015). Recent work has also shown there is a race-based difference (Batastini, Bolanos, and Morgan 2014) in how the mentally ill are perceived and how that is responded to (Rampersaud 2022).

Further, recent work has shown both explicit and implicit bias in the criminal justice system toward mental health (Mulay 2016). This is rooted in powerful cultural beliefs both at a civil society and local level (Shefer G, Rose D, Nellums L, Thornicroft G, Henderson C 2012). Finally, scholarship has demonstrated that mental illness had comparable effects to a felony criminal record on hiring (Batastini et al. 2014).

Religion and Criminal Justice

More obviously relevant to this case, there is a large subfield dedicated to the study of religion and social exclusion. In truth, very little research exists examining the relationship between one’s religious identity and one’s unequal access to justice within court proceedings. Some scholarship has examined religious discrimination within prisons (Spalek and Wilson 2002). And in keeping with general knowledge about biases in jury deliberations, one

experiment tested the effect of religious group identification and stereotypical crimes. The results were clear that the jury was more lenient toward person in their religious group regardless of the crime (Miller et al. 2011). This departs slightly from findings regarding bias toward class, race, and gender. The nature of the crime was inconsequential in relation to religion.

While criminal trial research is limited, there is substantial research on religious exclusion more generally in the context civil society and belonging. Bean found that national imagery impacted theological expression in local communities and, by extension, acceptance within religious communities (Bean 2014). Moreover, in the US context, while religious diversity is generally promoted in civil society, this acceptance does not extend to atheism. Edgell, Gerteis, and Hartmann describe the believer/nonbeliever divide as the most important one in American society (Edgell, Gerteis, and Hartmann 2006). That said, this does not appear to be unilaterally true. Hammer and Safi note the limits to religious tolerance displayed in reactions to Keith Ellison's election. The implication behind many bloggers' reactions was clearly that to be American was to be Christian (Hammer & Safi, 2013, 6). Religious belonging shapes acceptance at an interactionist level as well. Adler found that the style of congregational structure and activities was strongly correlated to member openness to homosexuality (Adler 2012). In a fascinating study, Tavory found that in the case of Orthodox Judaism, boundary work is often internal and tacit. In keeping with classical theories from Cooley or Dubois, members categorize other Jews based on how they think non-Jews will perceive their Jewishness (Tavory 2010). It has also been demonstrated that news corporations benefit from "othering" discourses about Islam and sensationalism, intentionally employing it as a sales strategy (Silva 2017).

Religious minorities in the United States experience intense implicit pressure to modify their religious practices to match the symbolic standard of American civil society more closely via a process called *Protestantization*. Many studies explore the various adaptations religious immigrant communities make in order to better assimilate in the United States (Abusharaf 1998; Feher 1998; Kurien 1998). In general, these adaptations tend to conform to a Protestant Christian organizational structure and forms of worship in the hopes of passing as “normal” (Feher 1998; Hunter and Franz 2006; Prothero 2006). But these pressures are not merely implicit or social; they have often been legal. Hunter and Franz demonstrate that court rulings have a tendency to define religion, marriage, family law, and property rights in ways that broadly derive from Protestant norms (Hunter & Franz, 2006, 260). This codification of Protestantism in America has had predictable effects on non-Protestant groups, including the long-term forced adoption of Protestant norms. Here one might consider *Reynolds v. United States* and the removal of polygamy from LDS church practices or general practices in Judaism and Catholicism in the US (Hunter & Franz, 2006, 260).

In other words, religious bias is built foundationally into the law—it is not simply a question of if the law is applied fairly to religious minorities. The mere application of law to a minority religious person is itself often an act of violence. Indeed, religious historian Tisa Wenger has demonstrated that even the category of religion itself disproportionately impacts non-Christian faiths (Wenger 2009).

Considering the West Memphis Three in the Context of Social Identity and Criminal Justice

Existing scholarship on the West Memphis Three has not sociologically theorized how and why Satanism became the dominant narrative that shaped the flow of justice in West

Memphis. Given that, it is helpful to consider sociological scholarship on the function of social identity. From the above, we can broadly note a few key principles.

First, legal actors clearly operate based on deeply engrained biases about social demographics such as class, race, gender, mental health, and religion. Indeed, law enforcement and juries consistently demonstrate they evaluate individuals using strong narratives about behavioral expectations (such as what a “normal” mother would do or what a “typical” crime for a black person may be).

Second, these biases are not legally structured, but rather deeply cultural. They are developed and contested in the larger community in which a particular trial is situated.

Third, these biases interact with the criminal justice process at every stage—before an individual is criminalized, when individuals and communities interact with law enforcement, during arrest and trial, and during sentencing.

Fourth, these biases have strong impacts on sentencing. Juries have a strong tendency toward punishing individuals more harshly when they conform to expected norms and cultural narratives. Men who commit crimes that fit within the cultural framework a community has constructed trigger a more intense response. In that sense, bias in criminal sentencing fits neatly within the functional perspective on what criminal proceedings do. These proceedings serve the important social function of reifying social norms and establishing the community’s abilities to enforce expectations. These norms do not just include legal ones. They include norms about class, race, gender, and more.

On the whole, this goes some way to contextualizing the West Memphis Three trial. Indeed, as I will show, at some level all of the various demographics mentioned are present. Damien Echols is regularly portrayed in the context of his poverty, being messy, lazy, and

difficult. Race is less prominent—and in fact, leads that had potential racial elements were not pursued. In a way, this fits neatly with what I find—the type of crime committed and the Satanic narrative that developed was essentially incompatible with cultural ideas about race and crime. Gender appears in small ways. Damien’s appearance—including his long hair—was regularly remarked upon. And, perhaps to an extent, the consistency of vicious homicide with masculinity fits with the severe sentence. Damien’s mental health is a regular feature of court proceedings, though mostly to generally suggest his status as “disturbed”. And of course, religious belonging—and exclusion—clearly shape how the jury evaluated the type of person who could commit such crimes. Indeed, Damien’s status as a non-Christian was essentially collapsed with Satanism.

Most generally, the community clearly held a strong narrative about Satanism. The crimes—and the alleged perpetrators—fit these biases well. In a broad theoretical sense, the harsh sentencing that far transcends the evidence provided makes sociological sense. Juries tend to sentence more harshly when their narrative biases converge around a crime and accused.

But there are also substantial divergences. Most obviously, none of these demographic variables singularly dominated the case or narrative. This happened even in instances where they arguably could have—multiple witnesses specifically indicated an unknown black male. Further, the defendants were not actually Satanists and consistently insisted on his fact. In other words, the demographic assigned was untethered from reality and fact. Finally, the Satanic narrative entered the investigation before suspects were arrested—indeed, it impacted who would eventually be arrested.

In other words, these bodies of literature help us think generically about how the bias against Satanism—along with other demographic identities—impacted and shaped the West

Memphis Three trial. But they do not actually explain how or why Satanism came to dominate the narrative in the first place.

The process of justice is an ongoing act of social construction, contextualized in history, shaped by actors embedded in all layers of society, and deriving from existing frameworks of meaning. At some point, the Satanic Panic narrative entered into the West Memphis Three trial and came to dictate its flow.

Turning Toward the West Memphis Three

The core of this dissertation is a focus on explaining sociologically how and why the Satanic Panic narrative, drawn from macro-level civil contests, came to frame the West Memphis Three murder investigation and trial.

In order to effectively situate my investigation in the literature, I first broadly discussed the sociological understanding of law and criminal justice, with an emphasis on the various ways law in practice differs from its idealized version. Ultimately, law and justice are social constructions navigated in community at all levels and involve political and economic institutions, culture, norms, and more.

Within this general understanding of law, I reiterated my core question: how and why satanism? I then therefore turned to the existing literature on the West Memphis Three, noting the absence of any sociological research that can answer this.

Given the absence of existing literature on the West Memphis Three, I situated the case in other sociolegal literature on the miscarriage of justice. I first looked at literature examining the impact of social demographics on inequality before the law with a particular emphasis on class, race, gender, mental health, and religion. I derived general principles of bias that shape

marginalized groups' experience of justice and forecasted ways in which some of these biases also intersected with the West Memphis Three trial.

Ultimately, understanding this question will require a social constructivist approach, analyzing the trial beginning with the homicides through the final appeals. It will require a complex attentiveness to the wide range of biases, actors, and social dynamics illuminated in previous literature, with a lens toward the specific ways in which a satanic narrative was built and substantiated. Before proceeding, I now turn to a discussion of this theoretical framework.

Chapter Three: Theoretical Framework

To investigate how and why the Satanic Panic narrative came to dominate a criminal trial in West Memphis, I have situated the West Memphis Three case in the sociological literature on criminal justice, in particular looking at miscarriages of justice with an emphasis on social demographics and bias and noting the ways in which they all will eventually overlap with the West Memphis Three case.

We can now turn to the narrower question I pose here: how this specific narrative was introduced to the Robin Hood Hills murder investigation and how it came to dominate everything from thereon: the investigation, the trial, and the many appeals and activism.

To understand this question, I broadly approach the entire case—beginning with the discovery of the bodies and ending with the eventual Alford Plea Deal—from a social constructivist context. I specifically examine how the case was constructed in the context of legal justice and criminal trials. More narrowly, I consider the construction of the West Memphis Three trial from a cultural perspective—examining the way actors at all levels of society participated in the development and application of a cultural framework to shape the case outcome. I am particularly sensitive to the materiality, iconicity, and aesthetic nature of cultural dynamics. Given this, I ultimately attend to two key variables that dictate the flow of the trial. First, the community found itself in a unique social state. Namely, West Memphis was gripped by moral panic. Second, I develop and explore the powerful role played by what I have called tacit aesthetic knowledge.

I ultimately find that in the face of horrendous crime, West Memphis' moral panic necessitated a powerful moral narrative. Then, when it came time to ground the narrative and tie it to specific individuals, much of the cultural power in West Memphis was this type of tacit aesthetic knowledge. Before attending to my empirical case, I first flesh out this theoretical perspective and my methods of investigation.

Social Construction of the Law

My overall approach to understanding the West Memphis Three murder trial from a sociological perspective is embedded in the social constructivist tradition. This tradition essentially studies the ways social reality is constructed by the various actors that participate. Berger and Luckmann originally theorized the process by which roles are delineated, defined, situated in context (Berger and Luckmann 1966). They and the many scholars after them have demonstrated that social life exists in a symbolic universe, one that requires ongoing development and maintenance. Humans actively construct meaning using a wide range of tools as available to share with their social context, thus making shared understanding (Willis 2007). Gall et al. note that this position fits neatly with the constructivist movement in psychology, which explores the ways individuals develop their understanding of the world (Gall, Borg, and Gall 1996). Of course, this is also consistent with the formation of boundaries between “in” groups and “out” groups, which we will discuss shortly. Relatedly, this also means that people that do not share the same symbolic universe have a much harder time relating meaningfully. This has even been shown in the case of academic research (Willis 2007).

Generally, all versions of constructivism are concerned with self-production and essentially an opposite to positivism, aiming to look beyond “truth through science” and attend

to the ways these categories are constructed in real historical context (Gergen 2019; Srubar 2019). Indeed, a constructivist perspective attends to the many social realities that conflict in a single environment and thus, a more nuanced interpretive approach is needed to capture these dynamics (Gall et al. 1996).

Given this, it is perhaps unsurprising that social constructivism has been fruitfully applied to sociolegal studies. Most generally, the State itself is a social construction, and culture—even global culture—is socially constructed (Meyer et al. 1997). Moreover, as I will expand on more thoroughly, national identity is constructed and contested through materiality and aesthetic means (Zubrzycki 2017).

Indeed, there is substantial work on the social construction of the law and criminal trials. This is the broad context for the various functions of law outside of its application we previously discussed, including buttressing hegemonic power, activism, and dramatic boundary work to enforce common moral standards (Burkhardt and Connor 2016; Gramsci 2011; McCann 1994).

Much of the social construction of the law starts from a relatively simple insight—namely, the construction of law is ultimately the construction of what a community sees as common universal sense (Deleuze 1994). By extension, challenges to the law are not viewed kindly—even if there are comparable harms in other activities not considered illegal. By extension, Deleuze theorizes that a core for effective change lies in repetitive actions to challenge and expand the legal habitus. One important sociolegal work examined the social construction of *Brown v Board of Education*, investigating the ways competing sides built narrative around the narrow legal trial and extrapolated its significance for national race relations (Delgado and Stefancic 1994). Two noteworthy examples of social constructivist approaches to

law both examine the dialogue surrounding crime categories. One examined the way rhetoric around elder abuse constructed the category in American social consciences and then gradually codified into legal and systematic structures (Baumann 1989). Another examines the ways in which social action, law, policy, and media gradually shifted the definition of “violence” in a criminal context and the dramatic effects it has had on society (Best 2016).

Communicative Constructivism and Culture

Unsurprisingly, a key element of constructivism is the “symbolic universe” actively constructed by social actors. Useful for our purposes, recent scholars have sought to bridge the gap between individual consciousness and social construction by emphasizing that the process of consciousness must be treated as a part of the social construction of reality. In that sense, Knoblauch has articulated a vision for “communicative” construction (Knoblauch 2019). This process produces what is seen as objectivities and leads to internalization (Reichertz 2019). As we will see, the community in West Memphis had deeply internalized a series of aesthetic beliefs about Satanism only recently developed in the global Satanic Panic. Appropriately, Loenhoff notes that interpretation in all forms is foundationally linguistic and constitutive by nature. Further, this act of interpretation is by its nature the core of differentiation (Loenhoff 2019). This position dovetails nicely with the cultural perspective, which heavily informs my approach.

Culture, Iconicity, and Aesthetics

My theoretical framework is generally rooted in constructivism. More specifically, I take a deeply cultural approach to social construction in the West Memphis Three trial. As I will show, the West Memphis Three murder trial was not merely a case of religious or class-based material exclusion. It was a form of socially constructed cultural exclusion on aesthetic grounds.

In a broad way, a cultural perspective sees all of society as embedded in a “forest” of symbols or totems (Ben-Amos and Turner 1970; Durkheim 2016b; Saisselin and Barthes 1957). Further, as with Loenhoff’s understanding of constructivism, cultural meaning is foundationally rooted in critical binaries of clean and unclean (Douglas 1966).

Indeed, as with general approaches to social construction, a cultural sociological approach is attentive to the important boundary work—construction, contestation, and maintenance—performed symbolically. The power of symbolic boundaries is a fixture of sociological literature (Lamont and Molnár 2002). They give definition to imagined communities, define the “we” of the in-group and the “they” of the out-group (Anderson 1983; Bourdieu 1987a; Carrier and Lamont 1994; Lamont n.d.). At a more structured level, they give texture to national identity (Cushing and Tompkins 2007; Jordanova and Agulhon 1982). Civil sphere theory focuses specifically on civil society, a culturally defined space defined by moral boundaries (Alexander 2012; Thumala Olave 2018).

This forms a core perspective on how we understand the West Memphis Three trial sociologically. A given community shares a powerful moral and symbolic universe. This universe is a system of binary oppositions a la Douglas. Thus, in a sense, exclusion is a “natural” feature of cultural meaning. Alexander has applied this insight to civil society to demonstrate the driving power of debates over cultural binaries in inclusion in Civil Society (Alexander 2012a; Thumala Olave 2018). These are often debated using popular culture as a proxy (Engelstad, Larsen, Rogstad, et al. 2017; Engelstad, Larsen, and Rogstad 2017; Jacobs 2017; Jacobs and Wild 2013; McKernan 2013; Wu 2011). It’s no wonder, then, that a key feature of the West Memphis Three trial came to be media and popular culture came to serve as a symbol for abstract value systems.

These symbolic systems are also material and have a sort of agency. Scholarship has shown, for example, that individuals learn to see in a particular way, which shapes how communities understand objects (Morgan 2005). These objects are also politically powerful and tend to buttress hegemonic power (Mukerji 2015). In that same vein, visual culture establishes what an ideal society *looks* like (Mukerji 2012, 2015; Bonnell 1997; Cushing and Tompkins 2007; Hunt 2004; Jordanova and Agulhon 1982). Finally, these objects are in a sense semi-independent and the relationship between object, observer, and meaning is complex (McDonnell 2010; Parry and Appadurai 1988).

These insights produced the so-called “iconic turn”. Icons serve totemically by drawing observers into the experience of the complex cultural matrix of society. These experiences informally establish social values, especially the framing of “disgusting” and “offensive” as aesthetic categories (Alexander 2008; Danto 1998). They also can serve a polemic function via ‘aesthetic revolt,’ as a process by which actors “contest and rework iconic symbols in the public sphere”, and develop new conceptions of identity that eventually lead to institutional change (Zubrzycki 2016).

I thus approach the West Memphis Three Trial from a perspective attentive to the iconic turn, looking to understand how the Satanic Panic Narrative came to shape the trial with an eye toward the deep symbolic structures underlying the various symbols and cues repeatedly referenced throughout. In the case of the West Memphis Three, a crime necessitated a functional response—the local community began to perform symbolic maintenance and regulate community norms. This is true in civil debate generally and of crime and punishment specifically.

Two Key Variables

In the course of my critical investigation, I particularly find two critical variables over the course of the investigation, trial, conviction, and appeals. Both must be more fully explicated here in order to be meaningfully discussed throughout the case. First, I find that the community's state of moral panic necessitated an extreme explanation that made other social variables relatively secondary. Second, I find that in the context of this moral panic, the Satanic narrative was grounded and connected to specific individuals using uninterrogated aesthetic logic which I call tacit aesthetic knowledge.

Moral Panic

The first critical component allowing for—even necessitating—the Satanic Panic narrative was the state of moral panic West Memphis found itself in. Over the course of my case study, I will demonstrate that the first causal variable that fueled the adoption of the Satanic Panic narrative was the unusually dire situation of moral panic the community found itself in. It is worth noting that treating the state of moral panic as a variable is itself relatively novel. As I will review shortly, a great amount of scholarship has unpacked the particulars of a given panic. But I want to treat the state of panic as itself a critical historical event in a contingent way (Ermakoff 2015). In order to meaningfully discuss this variable, I need to characterize moral panics further.

As already discussed, crime generally exists within a symbolic moral universe and legal trials serve the purpose of reifying those boundaries. In this case, the crime was beyond a “normal” offense. It was a crime against three children with potential elements of sexual abuse. As already alluded to, there are different frameworks for the types of crimes committed. One way scholarship has explored this is in the context of activities that have similar impacts but

different penalties (consider drug sentencing or white-collar crimes). But in the context of moral frameworks and social panics, child crimes far outpace the rest. Indeed, almost all major media narratives that fuel moral panics involve crimes against children (Greer and McLaughlin 2017). This no doubt is related to the powerful narratives about children that have evolved in Western society, presenting them as particularly vulnerable exemplars of innocence and moral goodness (Zelizer 1994). Indeed, the social construction of the meaning of childhood and its relative place in society has become a robust sub-field on sociology (James and Prout 2005). Further, the abuse of children was a particularly sensitive subject during the Satanic Panic. American society had just begun to allow awareness of the nature and extent of domestic abuse and this structural acknowledgement had destabilized core ideas about family life in America. As such, West Memphis required more aggressive social boundary work than may have been necessitated by a “lesser” crime. Indeed, as we shall see, part of the logic that originally introduced the Satanic narrative to the case was the particular crime committed. It was the state of localized moral panic in West Memphis that left them reeling and converged neatly with the more globalized moral panic that had until then not affected the small town.

In some ways, the West Memphis Three trial and its Satanic narrative mirror demographic biases and inequality before the law. But, as will become clear throughout, these demographics only play a minor role to the much more central Satanic narrative. To understand the Satanic element of the West Memphis Three trial, it is critical to contextualize it in a different time of miscarriage of justice. That is, the West Memphis Three trial does not simply mirror discrimination. Rather, it also sits within a modern moral panic. To review this unique phenomenon in sociolegal studies, I first review three subfields of interest: witch hunts, blood libel, and modern media panics. I then finally turn to the literature on the Satanic Panic itself.

Witch Hunts

The European and American witch hunts are perhaps the form of hysteria that comes to mind most readily when considering injustice. Unsurprisingly, the “great” witch hunts have been widely studied across disciplines.

In the most literal sense, the witch hunts involved a great number of trials against individuals accused of the crime of witchcraft—and often sentenced to death. Those tried were generally older women, single, and seen as disruptive to social order (Horsley 1979). More specifically, four in five were poor single women and as a result many displayed the “demonic” character often associated with occupations they performed out of necessity (Hoak 1983). The witch trials have been explained in a variety of ways. At one level, scholars have rooted the witch persecutions in Europe as a social psychological response to more general feelings of melancholy and anxiety (Rosen 1960). One sociological work demonstrated the important role of the Reformation—and by extension increased social anxiety about Satan—as well as major social upheavals politically across Europe (Hoak 1983). Finally, at a structural level, Parker has shown that the trials actually declined when the geopolitical power of the Catholic Church also declined, suggesting a connection between social control, moral narratives, and the witch trials (Parker 1980).

The concept of witch hunts has been theoretically extrapolated beyond the literal. Larner identified two key features of “witch hunts”: First, they involve the persecution of individuals for ascribed beliefs. Second, they involve the manufacture and falsification of charges in pursuit (Larner 1981). The “witch hunt” framework has been fruitfully applied across a variety of contexts. One common criminal context is in discussion of the child abuse discussion that would appear in the Satanic Panic (Reamer 2017). Another recent work draws parallels to the witch

hunt era and modern mass incarceration cultural frameworks (Weinreich 2023). Further, scholarship has applied the framework to South Asia, examining modern “witch hunts” in response to structural and cultural challenges of gender norms (Govind and Nathan 2020).

Even a cursory review of the witch hunt hysteria and framework offers important insight for considering the West Memphis Three and how Satanism came to be deployed. First, the witch hunts offer a fruitful way to think about the intersection of cultural narratives and their relationship to marginal social demographics. Indeed, most of the victims of the hysteria were women who did not neatly conform to expected gender roles and were doubly excluded because of their economic vulnerability. Thus, they were disadvantaged both by their demographics and by the norms they couldn’t help but violate. Further, the witch hunts were situated in a moment of deep social anxiety and transition within the context of a highly powerful and controlling moral order. In other words, cultural norms were highly hegemonic but other social structures, such as political and economic ones, were drastically shifting. Finally, the witch hunts involved the assignation and falsification of a label. The women in question often denied being a “witch”. Nonetheless, the community was convinced and set out to prove it.

This pattern fits neatly with the overarching Satanic Panic, as will be discussed in greater detail shortly. It also is mirrored in West Memphis, a small, relatively insular community with a shared set of values and norms facing the rapidly changing world of the 1980s and 1990s.

Blood Libel and Antisemitism

A second fruitful analogue to the Satanic Panic—though on a much larger scale—is the blood libel myth that heavily informed Antisemitism in medieval times. The myth originates in the 1100s with the life and narrative of the eventual Saint William of Norwich. The Saint’s story involves. According to the story, William was a child who disappeared, was murdered, and

found a month later. The finding of his body was accompanied by a host of miraculous events (Monmouth and Jessopp 2015). The story came to eventually be that he had been captured, paraded, and sacrificed by a secret cult of Jews. This basic narrative eventually became more general. The Blood Libel myth asserted that Jews captured and killed Christian children for a variety of purposes, including: to mix blood with matzah for Passover service, a variety of ritual murders, and sometimes to desecrate the host used in Christian communion (Avrutin 2018; Johnson 2012).

This narrative was applied across European murder trials. For example, a recent work examines a blood libel trial surrounding the murder of a boy in the 1800s in a small Russian town (Avrutin 2018). Around the same time, an Italian monk disappeared in Damascus. As a result, Jews were rounded up and tortured until they confessed. Frankel demonstrates this event was in part the result of the convergence of European politics, religious conflicts at the time, and myths about Jewish people (Frankel 1997).

Similarly, German blood libel cases largely relied on the old myths that were then validated as factual by local Catholic officials. Hsia shows these local officials tended to benefit in terms of social control and power (Hsia 1990). At the same time, trials were also happening in Spain. Soyer has shown how the story of St. Dominguito subtly shifted to incorporate blood libel narratives during the German trials in a way that persisted into the 20th century (Soyer 2021).

At a more macro-level, scholarship has shown the work this blood libel narrative did for Western Europe. In particular, antisemitism and blood libel played a critical role in the construction of Western identity in modernity (Nirenberg 2013). In many ways paralleling Said's work on imperialism, Patton traces the history of portray of Jewishness in Spanish art, demonstrating intentional development of negative portrayals during the reconquest of Spain

(Patton 2012; Said 1978). Soyer has similar shown the development of blood libel narratives in illustrated children's books and "comics" of medieval times, effectively training children to avoid Jewish people (Soyer 2020).

Similarly to witch hunts, this theoretical frame has moved into modern analysis as well. For example, Johnson traces how modern scholars are re-framing blood libel trials and the ethical impact this re-framing has on the European conscience (Johnson 2012). More narrowly, a recent work examined the online discourse about the H1N1 virus and the development of unsubstantiated narratives about the virus' "origins" and "purpose" demonstrating concerning parallels to the blood libel narrative (Atlani-Duault, L; Mercier, A; Rousseau, C; Guyot, P; Moatti 2015).

In some ways, blood libel narratives fit alongside witch hunt narratives. Blood libel trials involved targeted groups for belief systems and manufactured evidence in their prosecution. However, it offers a slight twist. In most cases, there was in fact an actual crime committed. For example, a monk in Damascus was in fact murdered. The trouble is the suspect accused had no clear connection to any crime and the people suspected were longstanding suspects, classic antagonists. In other words, the witch trials tended to have very little to do with any specific crime and were rooted in relatively young hysterias. The Blood Libel cases centered on specific horrific crimes—usually against children or Christian figures—and involved "classic" antagonists that had already featured in children's stories and religious tales for many centuries. As a result, the evidence tended to involve less attempts at legitimacy. The defendants' Jewish identity was enough.

In this way, the Satanic Panic is more similar to blood libel trials.

Modern Moral Panics

This brings us to a more modern phenomenon studied in scholarship. Modern sociological and criminological research has explicated the role of the news media in propagating what has come to be called generically “moral panics”. And indeed, one of the earliest and most influential studies on news media coined the term “moral panics” and explored how media created folk devils (Cohen 1972). Chibnal simultaneously applied a Marxist perspective to crime news, arguing that it provided an opportunity for news media to “appropriate the moral conscience of its readership” (Chibnall 1977, xi). He further identified core values that determined if something was “newsworthy”. Essentially modern news media developed traits that are driven by financial gain and produced what we now describe as “tabloid news”. This is seen perhaps most clearly in extreme crimes, such as homicide or predatory behavior:

“The media feed into the punitive turn by: Over-concentrating on the threat posed by violent predatory offenders; emphasizing exceptional or aberrant crimes; identifying ‘new’ crimes requiring ‘new’ forms of punishment; employing simplified frames of right and wrong...” (Greer and Mclaughlin 2017, 265)

Studies on media and crime have also identified and examined the “trial by media” process “in which individuals and institutions are judged in the intermediatized ‘court of public opinion’” (Greer and Mclaughlin 2017, 268).

Unsurprisingly, much scholarship on media and crime has examined the impact of media portrayals of marginalized groups. In a general sense, we know that how media portrays a crime has a strong effect on how the crime is viewed by the public and how individuals are tried in court (Gruenewald 2015). As Greer has shown, the media plays a very powerful role in the stigmatization process, tending in reactionary and conservative directions (Greer 2004). Political rhetoric also affects how prison staff treats inmates—in particular, black women (Nurse 2014). Media coverage of crime has also been shown to heavily effect politics as a proxy for

discussions of race politics (Campbell and Schoenfeld 2013) and a recent study showed a strong correlation between the ongoing battle over policy symbolism in politics and voter turnout in 2016 (Drakulich, K., Wozniak, K. H., Hagan, J., & Johnson 2020).

Relatedly, a substantial subfield of literature has reviewed what has been called the “commodification” of crime (Presdee 2000). Crime news media has consistently been consumed as a form of entertainment and news media intentionally pursues this revenue. Disturbingly, Schofield has also articulated the commodification of child sexual abuse, a particularly lucrative subset of crime news media (Schofield 2004).

Creating a perverse feedback loop, increasing public concern about crime is correlated to increasing severity of punishment as politicians attempt to frame themselves as responsive to public needs (Enns 2016). Intersecting with research on news media and public views of crime, scholars have also examined the nature of crime myths and how those myths impact public responses to crime (Messerschmidt and Beirne 2015). One example of this is found in Haner et al.’s work examining the impact of global terrorism narratives have had on Muslim immigrants (Haner et al. 2020) and how media stereotypes have fueled global fear of terrorism (Abrahamson 2013). The fear of crime—and its related myths—has also been shown to harm the efficacy of rehabilitation efforts (Barry 2019). Frankfurter examines what he calls the myth of “evil conspiracy” and argues that these myths are not set narratives but rather clusters of related images that can be mixed and applied situationally (Frankfurter 2008).

This body of literature is helpful in broadly understanding the West Memphis Three trial in a few key ways. First, it speaks to the relatively short and intense lifecycle of the Satanic Panic. It also provides strong context for understanding how global narratives came to profoundly shape the way local law enforcement thought about the crimes they were

investigating. As we will see, by the time of the murders, local officials such as Jerry Driver had long since internalized the belief that certain aesthetic markers were evidence of satanism and more generally, that secret Satanic societies were actively harming children.

Third, it speaks to some of the perverse incentives the media had that promoted such aggressive reporting on unsubstantiated claims about a murder in an otherwise unremarkable and unimportant town. Fourth, it contextualizes even the Satanic narrative itself in broader myths about evil conspiracy and general symbolism about evil and the “other”. Fifth, it offers some context to how and why prosecutors are pressured toward increasing punitiveness, especially in the context of violent crime. And finally, it generally points to critical role modern news media plays in the social construction of narrative surrounding a given crime, even at a local level.

Satanic Panic

Given this, we can now turn to considering the Satanic Panic in greater detail in order to best frame the question of why Satanism became the dominant framework for the West Memphis Three murder trial. In many ways, the Satanic Panic was similar to both the European Witch Trials and the Blood Libel Trials. It was however unique in two major ways. First, it happened in a modern context in a very compressed timeline. Second, it was unique in that a major feature of the Satanic panic was its propagation by secular leaders (Frankfurter 2008).

The West Memphis Three trial, while notable for its deeply upsetting outcome, was in truth a late arrival to this mass hysteria now known as the Satanic Panic. Even to someone who distinctly recalls being told about the dangers of Satanism in popular culture, discussing the “Satanic Panic” feels patently ridiculous and enraging. Perhaps for this reason, many of the particulars of the Satanic Panic have been quickly forgotten. Unfortunately, key imagery from the Satanic Panic directly features in the West Memphis Three murder trial, both as evidence and

in expert testimony. Therefore, before I can proceed with the specifics of the case study, it is necessary to provide substantial review of the Satanic Panic.

The Satanic Panic was, in essence, a hysteria over imagined Satanic cults and their role in society. More specifically, it was a second more focused wave of panic about the general presence of cults in America in the 1970s (Bromley 1991). It was a false belief that Satanic cults were operating in secret kidnapping children for rituals involving sexual abuse and sacrifice. They also included all levels of society, “from powerful politicians to teenage vandals” (Laycock 2015, 102). For example, according to popular belief, deviants on college campuses developed Dungeons and Dragons to seduce well-raised Americans away from traditional morality (Laycock 2015). Gradually, the focus became more specific—*satanic cults* were to blame. Minority religions were just pawns.

The 1960s brought tectonic shifts in Western Culture. This included the Civil Rights Movement, Second-Wave Feminism, the Anti-War Movement, and more. As is often the case, the reaction to one extreme is a pendulum swing the other direction. In this case, a new conservatism gradually took shape around new cultural imagery featuring drug-addled hippies, overindulgence of laziness, and all-around dismantling of the core values of Protestant American life. This anxiety, unsurprisingly, gained strength during the economic and geopolitical instability of the 1980s (Hughes 2000).

The Satanic Panic emerged at the high point of the pendulum-swing away from the liberal turn of the 1960s. What was originally framed as general disregard and degradation of Christian values gradually took on a new framework of intentionality. At the height of instability in the West, new forms of media served a complicated mix of cultural symbols old and new. As Hughes notes, the Satanic Panic became akin to Baudrillard’s hyperreality “where the natural

world became indistinguishable from the simulacra that invaded, exploited, and appeared to reflect it” (Hughes 2000, 6).

While in hindsight the idea of a panic like this is hard to believe, the impact at the time was massive. Initially, these beliefs impacted primarily the US, Canada, Great Britain, and Australia (Hughes 2000). They would eventually spread beyond, being picked up across Africa (Frankfurter 2008). Today, fears of Satanic cults still have heavy impact in some communities across all continents.

The impact was truly vast—and beyond the scope of this particular dissertation—but giving some sense of scale is important for contextualizing the West Memphis Three trial.

A survey conducted by the National Center on Child Abuse sent to psychiatrist, social workers, and child care providers found over 12,000 alleged abuses by satanists (Goleman 1994). Evidence never substantiated a single claim. Jeffrey conducted a review of 21 full-court trials in the US between 1983-1987 that were all later dropped (Jeffrey 1993). There were ultimately *hundreds* of court trials due to alleged satanic cult activity. Below are a few of the many that Hughes reviews:

- Malden, Massachusetts- 1984--- Gerald Amirault “served eighteen years of a thirty- to forty-year sentence.”
- Thurston County, Washington- Paul Ingram, Chief Civil Deputy of the Sheriff’s department, sentenced in 1987 to 20 years in jail
- Maplewood, New Jersey- 1988- Margaret Kelly Michaels- served five years in jail after a child said she had taken his temperature.
- Edenton, North Carolina-1992—“Robert Kelly, who ran the Little Rascals Day Care Center in Edenton, North Carolina, was sentenced to twelve consecutive life terms for “taking indecent liberties, sexual offence and crimes against nature.” After being charged in 1989, Kelly sat in prison for three years without a conviction. It was the state of North Carolina’s longest and costliest trial to that date.”
- Austin, Texas—1992-- Frances and Dan Keller “were freed in 2013 after the emergency-room doctor who examined the main child witness in the Keller’s case recanted his testimony.” (Hughes 2000, 16)

How did such patently false ideas come to have such drastic impact? The Panic originated from the rise of reactionary Christian ideas about the end times. It then expanded rapidly as Hollywood seized on authentic criminal issues and Christian ideas to fuel a series of major blockbusters. The Panic was finally given a veneer of legitimacy through 1) a combination of new policies and criminal trials involving child abuse and 2) new psychological theories since debunked.

Televangelism and the New Evangelicals

The core beliefs that fueled the eventual Satanic hysteria originated with the New Christian right emerging in the 1970s (Laycock 2015, xiii).¹

Alongside the many other important shifts in Western culture at the time, there was a critical shift in influence internal to the so-called Evangelical world at the time.² In particular, the growth of televangelism had a massive cultural impact well beyond the average preacher, with numbers reaching well over 33 million households a month (Hughes 2000, 92).

Televangelists broadly re-deployed an American style of sermon call the jeremiad. The jeremiad is, in essence, a sermon that develops an imminent crisis of sorts before the preacher then offers the congregation a resolution (Murphy 2008). This style was well suited to the era. In the 1980s “several televangelists helped mobilize an aggressive conservative backlash to their interpretation of “sixties” social movements. As they forayed into politics, they increasingly linked sixties activists to the devil” (Hughes 2000, 89).

The jeremiad, from a biblical literature perspective, can generally be described as “apocalyptic”. This became immanently literal in the 1980s, as televangelists non-

¹ Really, it's more a rise of conservative “Civil Religion” as many of the central tenants are also influential among Jews, Mormons, and secular conservatives.

²I say so called, as many unfamiliar scholars use the term to broadly refer to conservative Christian churches or, alternatively, to a specific subset of non-denominational churches. Both of which are notoriously problematic uses from an academic standpoint.

metaphorically began to describe activities of the devil in the world. Indeed, many prominent televangelists came to focus on what they saw as the immanent Second Coming of Jesus Christ and the literal end-of-days (Hughes 2000, 94).

It seems televangelism and US politics³ provided a perfect backdrop for the re-emergence of a highly specific strand of theology surrounding Armageddon. In particular, the 1980s saw the rapid dominance of what is called pre-millennial, pre-tribulation dispensationalism.

Dispensationalism, broadly speaking, originated in the late 1800s with John Darby, who believed in essence that history was divided into eras and that God dealt differently with Creation in different eras (this was his solution to the perennial questions about God's nature in the Old versus New Testaments)(Crutchfield 1991). Some dispensationalists came to interpret the book of Revelation literally, arguing there would be a full 1000-year period where Christ literally ruled as king on Earth after His second coming. The "pre-millennial" group both believed in this period and that there would be a period of tribulation and a final battle, Armageddon *before* this period. Finally, the "pre-tribulation" group believed that Christ would "rapture" true believers to Him before the Tribulation, leaving the earth to judgment for a time before Christ would return in power.⁴

³ Pre-millennial dispensationalism dovetailed nicely with strong pro-Israel conservative perspectives, as the pre-millennial, pre-tribulationists believed Israel as the chosen nation was to be the *literal* battleground site for the final battle (Pettegrew 2020).

⁴ If you're still following and interested, the best-selling Left Behind book series was a fictional version of this exact view of the end times.

To visualize:



Figure 1: Pre-Millenarian Dispensationalism

Famous televangelists of the period believed they were bearing witness to these signs, warning the end was nigh. Thus:

Televangelists focused much of their end times rhetoric on the Antichrist, whose rise to global domination preceded Armageddon and Christ’s return. Accusations of satanic ritual abuse surfaced in an environment where sermons about the devil aired all day on television. (Hughes 2000, 96).

Unfortunately, it also meant that each case of “satanic ritual abuse” only served to reinforce an already accepted narrative that Satan was infiltrating the world and the Antichrist—a “sixties countercultural figure”—was among us (Hughes 2000, 102). It is also ironic that the style of sermon invented by those who would initiate actual witch hunts would reemerge in time for what many call their modern equivalent.

Entertainment, Realism, and Supernatural Horror

Major developments in media ran parallel to the rise of televangelism. First, entertainment media experienced 1) substantial improvement in terms of ‘realism’ and a major expansion of popular impact, and 2) an unfortunately timed focus on supernatural horror.

In general, the late 70s and early 80s saw major developments in special effects. [Jaws, Star Wars, etc.]. This no doubt contributed to the massive expansion of box office revenue and “event” status of film releases. From 1980-1989, theater revenue doubled. 1985 also saw the birth of the first Blockbuster Video store. Now, not only were more people worldwide watching Hollywood movies, people could also *borrow them* in a convenient format (Hughes 2000, 115).

Developing Satanic Narratives

Equally important, the *content* of these films began to heavily tilt toward the supernatural. It was most certainly pulling from growing American Protestant anxieties. It also unfortunately had roots in real horror (Rafter and Brown 2011). The 1969 Manson family, Son-of-Sam, and Ramirez murders introduced an otherwise Naïve public to true horrors allegedly inspired by Satan (Laycock 2015, 104). When Manson and associates were arrested, the *Los Angeles Herald Examiner* ran a front-page article titled “Hippie Commune Witchcraft Blood Rites Told” (Laycock 2015, 104).



Figure 2: Sharon Tate Murder Coverage



Figure 2: Rosemary's Baby Movie Poster

These real horrors inspired a whole slew of massively influential horror films—*Rosemary's Baby*, *The Exorcist*, *The Omen*. As a new wave of conservative evangelicalism shifted attention to the End Times and Satanic activity, a series of killers emerged blaming their activities on the Devil and Hollywood naturally played on this anxiety to maximum effect.

These real horrors were supplemented by allegedly equally “real” ones that began to inform the public of this dark Satanic reality. In a sort of perverse feedback loop, real horrors inspired horror films, which then appear to have inspired allegedly “real” life experiences. By the late 1970s, narratives about Satan and his cults seemed to be dominating every conversation, including religious dialogue, late-night news, and pop culture. It is therefore unsurprising in hindsight that these stories suddenly started to emerge in “true” accounts.

In 1978, the book *Jay's Journal* exploded on the scene. In essence, the book was alleged to be a narrative version of real diaries author Beatrice Sparks had received anonymously. The book traces the journey of a young Christian teen as he slowly is tricked into Satanic cult activity and eventually commits suicide (Sparks 1978). Much like Sparks' previous best seller *Go Ask Alice*, it was unequivocally fictional and deceptively advertised as non-fiction (Emerson 2022; Sparks 1971). The damage was real though. The idea of teens being seduced into Satanism at school became an American fear essentially overnight. It is no accident that the first protests against the game *Dungeons and Dragons* happened in Sparks' hometown of Provo, Utah shortly after (Laycock 2015). This was followed by *Michelle Remembers* in 1980. While discussed as a component of academic legitimization below, it is important to note that *Michelle Remembers* escalated the satanic teen narrative in two important ways. First, it added a psychologist to the mix, giving an official, "scientific" veneer of legitimacy to claims of satanic abuse. Second, it added the *abuse* component. While Jay's experience had been horrific in many ways, Michelle's included narratives of her sexual abuse and torture.

These popular narratives—fictional and otherwise—coincided with a further trend in media—the Public Service Announcement and tabloid media specials. Two in particular are noteworthy:

"The Devil Worshippers", 20/20, 1985 (Kunhardt and Wooden 1985)

In a 1985 30-minute special, the still-running news program 20/20 investigated alleged Satanic cult activity. Set alongside alarming imagery, it asserts unironically, "There is no question that something is going on out there." Indeed, they assert that violent Satanic Cults *do exist*.

Evidence is, as expected, non-existent. It mentions a murder trial where the alleged perpetrator listened to rock music associated with devil worship. It references a variety of cases where police found “satanic paraphernalia” such as pentagrams.⁵ The “news” broadcast also literally used a clip from the film *Rosemary’s Baby* to illustrate modern Satanism. Sadly, this tactic of referencing fictional horror movies in defense of claims of devil worship was common (Rafter and Brown 2011).

The episode goes so far as to assert that there is “not a single state” unaffected by minor satanic activity. The further argue what is more frightening is the number of reported murders related to Satanism, which they illustrate on a map, before briefly noting that all have been investigated by police, but “usually” without result. At perhaps the most laughable moment, the host goes into a local VHS shop to show how many movies involve the devil. He says such movies could “inspire” people.

“Devil Worship: Exposing Satan’s Underground”, The Geraldo Rivera Show, 1988 (Rivera 1988)

In many ways, this special carries on the same original claims from the 1985 20/20 but on a much grander scale. Rivera opens with Manson and Berkowitz, noting that they are believed to be linked to a satanic network around the world. This network, he informs viewers, has over a million members.

Fascinatingly, he then frames the special in a contrarian way. “Others” and non-believers, he tells viewers, laugh off or dismiss Satanism, framing these “crimes” in some other explanation. Rivera will not do this, he informs us. Instead, he believes these events happen and is more interested in a “balanced” approach that takes spirituality seriously. In other words, as

⁵ Pentagrams are, as is now widely known, not actually associated with Satanism or even classical satanic imagery.

Hughes notes, he frames himself as a sort of maverick defending believers and exploring true evil that others are ignoring (Hughes 2000). He puts it bluntly— “This is not a Halloween fable. This is a real-life horror story.”

In keeping with Goodwin’s critique of media coverage at the time, essentially any non-Christian beliefs and practices were presented as dangerous and predatory (Goodwin 2018). His advice to parents? If children start to use new vocabulary such as a slang, it may be a sign of occult activity. In a humorous and telling moment, he mispronounces “theologian” when acknowledging he is not one.

Many journalists immediately derided the special. Hughes emphasizes this point:

The day after the episode aired, *The New York Times* denounced the program as part of an overall decline in NBC’s entertainment standards, which, no longer subject to the rules of the news division, had “been all but eliminated recently.” *The San Diego Union-Tribune* called it “the most wretched two hours of television in memory” and chastised Rivera for interviewing McMartin parents “as if everything they said was the proven truth.” *Newsweek’s* “Trash TV” derided its lineup of “blood-soaked orgies, dismembered corpses, [and] ritualistic child abuse” as part of “a conceivably irreversible muddying of the standards of television journalism.” (Hughes 2000, 75)

But the damage was done, and the narrative frame Rivera deployed carried forward. Good Christians believed these accounts, regardless of evidence claims or official opinions. Naysayers merely lacked the ability to understand the true spiritual nature of the world. Laycock illustrates this point well,

“In 1992, an FBI report concluded that there was not an organized network of Satanists covertly abusing thousands of children or conducting human sacrifices, but this hardly mattered to the general public. In 1994, 70 percent of people surveyed for the women’s magazine *Red-book* reported belief in the existence of abusive Satanic cults, and 32 percent agreed that “the FBI and the police ignore evidence because they don’t want to admit the cults exist.” Finally, 22 percent reported their belief that cult leaders use brainwashing to ensure that the victims do not tell” (Laycock 2015, 102).

These themes would be further picked up in additional books and magazines. A 1991 book became an instant bestseller when it documented a woman's alleged escape from Satanism (she later encountered legal trouble due to compulsive lying and claims of victimization) (Stratford 1991). A novel released the same year, *A Thousand Acres*, revolved around suppressed memories of sexual abuse of children and went on to win the Pulitzer (Smiley 1991). And in 1993, alleged satanic events made the front cover of both *Ms. Magazine* and *Vanity Fair*.

Dispatches

Flat as a washboard under the vast, empty sky, the cornfields stretch to the horizon in every direction, studded with barns and silos and the usual prosaic detritus of farm life. The road is straight as a ruler until it runs into a quiet Illinois town where small wooden homes line the streets in evenly spaced rows, neat as toy houses in a game of Monopoly.

Inside Aubrey's living room, sunlight streams through immaculate white lace curtains, and the walls are hung with sentimental Jessie Wilcox Smith pictures of children at the seashore. Smiling angelically, the children's faces present a surreal contrast to the stories Aubrey, a 34-year-old businesswoman, is telling me about her childhood in a big red brick farmhouse not far away.

Some of her memories involve the routine rhythms of plowing, sowing, and harvesting the land where her family has lived since the 1860s. Other memories, however, are different—memories of the secret satanic rituals practiced by Aubrey's family on the long dark nights when her parents, grandparents, and neighbors wore robes and carried torches. These are the memories of being raped by her father and grandfather and the boy she was "married" to in a cult ceremony when she was two years old, memories of being deliberately impregnated over and over again, of premature labors artificially induced after only four or five or six months of pregnancy, and of being forced to deliver her babies in the barnyard. These are the memories of seeing her babies sacrificed by her own family after the celebrants had drunk their blood and eaten their flesh.

Twenty years later, Aubrey still calls her babies by name: her first was Victoria Ann, born on June 19, 1972, when Aubrey was only 13. Then there were the twins, Stephen Daniel and Jessica Marie, followed by Nicholas Steven and

finally Elizabeth May. Aubrey still recalls the blue baby-doll pajamas she was wearing when her parents woke her in the middle of the night and took her down to the barn to induce labor with the twins. "They had to tie me down with ropes," she says grimly, "because

Tiffany Spencer says she is a ritual-abuse survivor. Her body's unexplained scars and burn marks corroborate her memories.

"I had an identical twin sister who was sacrificed," she says in a soft voice.

I knew what they were going to do."

Aubrey says she has always remembered some things that happened in the cult, but the more horrific recollections of infanticide and ritual torture emerged only in the last couple of years, seemingly spontaneously. "I remember a ritual that took place in our barn; I was five, and it was summer," she says. "I was wearing this little fluffy white-and-blue dress. My grandfather beckoned me to come in. He said he wanted me to lay down and he was going to make it so the babies wouldn't come out. I think I must have been given a shot or some kind of drug; something was wrong, and I couldn't move my legs. I couldn't resist. It was dark, and all of a sudden all these people stood up with torches. They were chanting something, and my grandfather was leading what appeared to be a ceremony. He took out this ornate knife from the cabinet on the wall. He held the knife up in the air. He was saying something to do with consecrating me to Satan. There was all this

NIGHTMARES ON MAIN STREET

As a startling number of women come forward claiming childhood memories of satanic cults and horrifying ritual abuse, mental-health and law-enforcement professionals are left stunned and divided. What sort of epidemic are they facing?

BY LESLIE BENNETTS

Ray-Ban wayfarer

PHOTOGRAPHS BY BAUSCH & LOMB FOR THE WAYFARER COLLECTION

VANITY FAIR/JUNE 1993

Figure 3: Vanity Fair Article on SRA Allegations (Bennetts 1993)

Growing Child Abuse Awareness

Just as rumors of Satanic cults started to swirl, the United States and Western societies had begun to undergo a different transformation—a sudden public awareness of domestic abuse and more specifically, child abuse.

Just preceding the Satanic Panic, the US government began to pass a series of laws in response to growing public discourse about child abuse. This included the Child Abuse Prevention and Treatment Act 1973, followed by The Mondale Act which brought with it a huge allocation of funding for child protection agencies and the hiring of abuse investigators (Anon 1973; Rabinowitz 2003). Unsurprisingly, this itself led to a massive wave of high profile child abuse cases in 1980s. One of earliest, the McMartin preschool case in California, allegedly was the result of cult activity (Rabinowitz 2003).

While the provision for the protection of children is of course a positive accomplishment in US legal history, initial cases were deeply problematic and established the pattern of “evidence” that carried into the Satanic Panic and the West Memphis Three. All of the cases involved a shocking pattern of clearly coerced testimony from children (Rabinowitz 2003). Most children were interrogated for months and told they *must* “tell the truth” regarding their victimization. They also shared judges and prosecutors with extreme unwillingness to question “testimony” (and allow defense access to witnesses) (Rabinowitz 2003). This reflected 1) a wide assumption that children wouldn’t lie and 2) a misapplied idea that requiring testimony would unnecessarily traumatize a “victim”.

These cases—and their coverage—also revealed a general political unwillingness to challenge abuse claims. Dorothy Rabinowitz, a journalist who won the Pulitzer for her early critiques of these trials, reflects in her book:

“I have to note the query often raised in the course of interviews about these cases. Did I recognize that child sex abuse existed and was a serious problem? Reporters would ask. A strange question, that. The discussion of no other crime would require such a disclaimer. Journalists who have written about false murder charges are seldom asked to provide reassurances that they know murder is a bad thing, and it really happens. The question attests to the political fear attaching to the subject of child abuse, particularly the proposition that children’s accusations are not invariably truthful” (Rabinowitz 2003, 233).

This general suspension of disbelief appeared throughout virtually all the Satanic Panic trials. In Martinsville, Canada, residents began hanging posters declaring, “We Believe the Children” while dozens of charges were brought and eventually dropped. Rabinowitz also notes that, with the exception of the Amirault and John Carrol cases, all have since been thrown out (Rabinowitz 2003).⁶

The Clinical Component

As our medical schools and graduate programs fill with students who were born after 1989, we meet young mental health professionals-in-training who have no knowledge or living memory of the Satanic ritual abuse (SRA) moral panic of the 1980s and early 1990s. But perhaps they should. Cautionary tales may prevent the recurrence of pyrogenic cultural fantasies and the devastating clinical mistakes they inspire. (Noll 2014)

Perhaps the most critical—and disturbing—component in the gradually building machine was the role played by clinical psychologists, social workers, and academics. In the late 1970s and 1980s, a dramatically increasing number of psychologists and social workers began to identify patients as suffering from repressed memories and what came to be called Multiple Personality Disorder. A series of books, both personal and academic, were released claiming repressed memories of abuse and soon the concepts of repressed memory and of multiple personality disorder were added to the DSM-III. On the surface, this was a positive and progressive

⁶ She does not mention the West Memphis three, though this is likely because their trial was *not* an abuse trial but a homicide trial.

development. Pendergrast performed an extensive review what would eventually be seen as a hysteria, summarizing the core pattern:

The therapists were usually alerted to the possibility of MPD when their patients reported an inability to remember whole chunks of their childhood. These cases often progressed in stages. First, the patient revealed simple repressed memories of abuse, often by a father or grandfather. Then, hints of far- worse horrors surfaced. Eventually, these patients remembered ritual group abuse, often involving worship of Satan. In a group setting, they were purportedly subjected to hideous sexual and physical abuse. As part of the ritual, babies were hacked to death and eaten, blood and urine drunk, feces consumed, and every other conceivable horror experienced. As a flier from Survivors of Incest Anonymous put it, “the physical component usually includes torture, at times maiming and disfigurement, and even death. The sexual component of Ritual Abuse is often violent, purposefully painful, intended to degrade and dehumanize, and to orient the victim toward sadism.” (Pendergrast 2017, 35).

The problem? These “memories” were recalling horrific abuses that would certainly have produced substantial medical damage. At the time, a disturbingly high number of trained psychologists nonetheless *believed and defended* the memories recalled (Goodwin 2018, 286). As would become validated *much* later by a nationwide FBI investigation, there is simply no way so many children were sexually assaulted with weapons and had no scarring (let alone survived) (Lanning 1992).

In terms of criminal investigations, no evidence *ever* emerged to support *any* of the “recovered” memories of cult abuse. In academic terms, psychologists and neurologists now recognize there is no scientific evidence for the concept of repression on a large scale (Pendergrast 2017, 41). In review of all known cases, it was concluded that “therapists who believed in repressed memories and past lives trained patients to recover “memories” of being abused in what the patients came to believe were past lives” (Pendergrast 2017, viii).

In other words, a central component of the Satanic Panic was the academic validation of claims of ritual abuse using repressed memories. This academic validation was itself deeply misguided, largely informed by a pre-determined conviction on the part of the therapists. In the worst cases, patients and therapists claimed they were victims of *ritual abuse* specifically (Pendergrast 2017, 34).

Academic validation of recovered memories of satanic ritual abuse (SRA) went public in three major ways in 1980. First, *Michelle Remembers* was published. *Michelle Remembers* was a “true” account of recovered memories written jointly by a patient and her therapist (Smith and Pazder 1980). It was, in essence, the “academic” counterpart to the aforementioned *Jay’s Journal* and was wildly popular. It also created a demographically and religiously specific narrative.

“This core narrative—Michelle’s story, which became Annette’s story and the story of hundreds of women like them—was a driving force in America’s Satanic Panic. This narrative, shaped by Pazder’s Roman Catholic worldview and perpetuated by dozens of psychologists, psychiatrists, and social workers, constructed child sexual abuse as an otherworldly phenomenon perpetrated by sexually predatory religious outsiders” (Goodwin 2018, 292).

In other words, the narrative was deeply embedded in Pazder’s beliefs both academic and religious. And his publication and very famous treatment had a dramatically non-secular influence on psychological theories. Indeed, even in the book itself, Michelle does not identify her abusers as Satanists until *after* Pazder informs her they are indeed Satanists (Goodwin 2018, 285). This publication led to two further major developments.

Second, psychiatrist Ralf Allison published an “academic” book in which he has one of *his own* multiple personalities *exorcised* (Ellison 1980).

Third, the DSM-III was released, officially adding multiple personality disorder (MPD) as a diagnosis (Pendergrast 2017, 34). In the description, the Manual expressly identifies “Ritual Satanic Abuse” as a cause of MPD. Repressed memories, MPD, and RSA have all since been removed.⁷

Unfortunately, much of this originated from a kernel of truth. Following the rise of second-wave feminism and the more general cultural waves of the 1960s, Western Society was also forced to recognize legitimate evidence of abuse—particularly of women and children.

In this context, feminist psychology began to develop approaches to treating the psychological consequences of abuse. One theory suggested that memories of abuse as a child could be repressed and that, as a result, the real impact of abuse may be even larger than was known (Pendergrast 2017, xiv).

The problem arose when therapists began to treat repressed memory as a *matter of fact* instead of a hypothetical possibility needing verification. This approach directly led to the formalization of the now debunked Repressed Memory Theory (RMT) and was used to justify the extremely coercive questioning of children that would lead to unjustified criminal arrests across the globe. Indeed, the famous self-help book *Courage to Heal* explicitly argued that if readers *weren't* aware of these traumas, they “probably aren't feeling safe enough to confront these issues” (Bass and Davis 1988, 23). Worse, some “Survivors” were unable to even produce memories when they testified in court. Instead, they claimed they were the victim of cognitive dissonance, which is why they had no memories (Pendergrast 2017, 103).

⁷ The DSM-5 since added “Dissociative Amnesia”, though the description is a) much more circumscribed and b) still unproven and admitted to be controversial (Otgaar H, Howe ML, Patihis L, Merckelbach H, Lynn SJ, Lilienfeld SO 2019).

Nonetheless, many alleged victims claimed to experience “memories” of RSA. How could this be? In short, neuroscience has since demonstrated that the brain does not actually retain whole memories. Instead, it recombines fragments of information to build a coherent narrative. In the absence of necessary information, the brain often fills in the gap with fictional stories, scenes from movies, other experiences with similar emotional imprints, etc. (Pendergrast 2017, 45).

This dovetails neatly with the evolution in Hollywood and tabloid media. In short, Western Culture was awash in fictional and allegedly true tales of Satanic infestation, all layered in with tabloid news reports claiming evidence (Hughes 2000, 113). It’s not surprising, then, that impressionable patients suddenly “recovered” memories nearly identical to blockbuster movies about their ritual abuses when pressed by therapists who were certain such a thing was happening.

A Perfect Storm

The 1960s gave way to a deep anxiety about failing American moral structures. Derived from a powerful realignment of Evangelical beliefs, literalistic ideas about Satan fed into Hollywood horror and popular culture at a moment when popular culture exercised newfound power over American society. This was only intensified as real high-profile crimes were committed and appropriated Satanic motifs. The general growth of literalist ideas about Satanic activities, Hollywood realism, and modern serial homicide coincided with progressive developments in social awareness about abuse and mental health. Unsurprisingly, narratives started to emerge that combined *both* satanism and child abuse. When these claims received secular academic validation, the Panic reached unthinkable heights.

In West Memphis—much like the various murders of children in Blood Libel cases and the abuse scandals of the 1980s that created the Satanic Panic—an unthinkable crime created a communal moral crisis. As I will show, this localized panic was a crucial ingredient to the ultimate power of the Satanic Panic narrative in West Memphis.

Tacit Aesthetic Knowledge

I ultimately find that, once moral panic gained a Satanic flavor, it was a second variable tethered the narrative to concrete individuals and allowed for the maturation and construction of the eventual legal outcome. I call this tacit aesthetic knowledge.

Given the nature of my question—how and why the Satanic Panic narrative came to dominate the West Memphis Three trial—I am particularly interested in investigating how the community culturally constructed and applied this narrative as they sought to morally understand a horrific crime. Further, given the teenagers in question were not in reality Satanists, I critically investigate the nature of the evidence used to support the cultural work done to frame the case as Satanic.

In other words, I am not simply demonstrated that the Satanic Panic entered the discourse and other forms of bias were either eliminated or were unimportant. I am more specifically looking at the particular ways the narrative was grounded in the community and how it was tethered to the events in question. In other words, what evidence justified the acceptance of this narrative?

I am particularly attentive to the ways aesthetic judgments function in West Memphis. As will become clear, a major feature of these judgments is not simply that the community applies aesthetic judgments or use iconic imagery as referenced in existing scholarship. Rather, my key finding lies in how these aesthetic judgments are deployed in the cultural construction of the

West Memphis Three trial. In particular, the community regularly deploys aesthetic judgments without clear awareness or rationality undergirding said deployment. To understand the precise nature of how the Satanic Panic narrative was embedded in West Memphis, I describe a concept I call tacit aesthetic knowledge. Before proceeding, it is necessary for me to unpack this concept further.

Existing sociological study of aesthetics—beyond the iconic turn and materiality-- is connected to our understanding of inequality and tends to focus on explicit deployments of aesthetic symbolic values and social power. Most generally, much work has explored the notion that “what is beautiful is good” and “what is ugly is bad” (Dion K and E 1972; Eagly et al. 1991; Griffin and Langlois 2006). Indeed, there is a powerful connection in *aesthetic judgment between the concept of beauty and moral uprightness* that appears to run both directions—beautiful people are deemed good, and goodness is deemed beautiful (Kuipers, Franssen, and Holla 2019). A psychological study involving color naming found that respondents more rapidly identified terms involving immorality when the text was in black, and the opposite when in white (Sherman and Clore 2009). This fits neatly within broader understandings of culture that are deeply rooted in binaries.

This coupling of beauty and morality, in return, reifies social inequality. Beauty and its highly racialized definitions impact financial inequality both between and within racial groups (Monk Jr., Esposito, and Lee 2021; Tate 2008). Aesthetic cues also continue to be powerful tools for the heteronormative reproduction of gender (Fowler 2021). Given this, we might see a sort of confluence between iconic studies and aesthetics—visual and material cues are the surface that quickly communicates a complex cultural and moral code.

As I will show, the West Memphis Three murder trial was heavily dependent on non-verbal aesthetic judgments. While all this scholarship is broadly relevant, a careful reading of the events surrounding the homicides, from investigation to appeals, pushes us to consider these aesthetic arguments in a different light. Indeed, as I will explicate more thoroughly, in this case aesthetic judgments were used argumentatively to establish a reality that was purely fictional. The connections were also applied in an inconsistent and uninterrogated way.

That said, the function of “aesthetics” as seen in the West Memphis Three heavily deviates from how aesthetics is studied sociologically (or even beyond sociology). Indeed, applying the term “aesthetics” to this case directly exposes a key gap between how we tend to think about the power of culture in social life and how it was lived out in West Memphis. If aesthetics and iconicity traditionally involve a form of intentionality, logic, and structure, the aesthetics I aim to discuss is the more elemental form. Indeed, it might even be accurate to refer to these judgments as a sensual judgment, born out of the sorts of visceral responses we experience when our skin crawls, we experience a chill, or a wave of nausea sweeps over us. This type of aesthetic judgment is closer to the feeling of anxiety individuals experience when they walk down a dark road at night. In other words, there is not a complex matrix of meaning that could be logically explained and grounded in reality. Instead, there is a sort of emotional, uninterrogated logic outside the bounds of empiricism.

Across disciplines, human knowledge is broadly divided into two general categories. In order to avoid disciplinary differences, and make the core distinction clear, I will broadly label the two categories as formal and tacit knowledge. Formal knowledge, broadly speaking, contains classical legal theory and “ideal” conceptions of justice.

Formal knowledge, alternatively discursive or declarative knowledge, is the most thought of in the sciences and represents typical knowledge as accepted since the Enlightenment. In other words, this form of knowledge as a distinct phenomenon is “Modern”. Formal knowledge is alternatively scientific knowledge, rational knowledge, systematic knowledge, or expressed knowledge. It is the kind of knowledge that privileges observable behavior in the public sphere over emotions, feelings, and the private sphere. Formal knowledge can be written down and is assumed (and expected) to have rational basis.

In philosophy and theology, it would be logical and systematic (Mosley and Baltazar 2019; Ryrie 1987; Schleiermacher 1998). In the sciences it is broadly the scientific method (Kuhn 1992, 1996). This carries into logics of sociology and formal theory (Garner and Hancock 2014; Steinmetz 1998). Beyond methodological theory, it is what we consider “facts” (Markie and Folescu 2021) and the responses we make to facts. Virtually all structural sociological approaches are imbued with this concept of knowledge, but perhaps most obviously materialist theories and rational choice-based theories. One might see cognitive behavioral therapy as essentially assuming rational actors that need cognitive interventions (Sukhodolsky, Kassinove, and Gorman 2004).

This type of knowledge is the exact type of knowledge that characterizes classical legal theory and “the grid”. As already discussed, classical legal models of law were directly developed in response to the enlightenment and ensuing philosophical developments, including the Social Contract, Utilitarianism, and rationality.

But the process of ideal justice failed in West Memphis because of a powerful mechanism of othering that was set in motion even before the murders. This mechanism was dependent on deeply affective aesthetic judgments which in theory should have no place in court

room adjudicating core crimes. Indeed, the type of knowledge that was deployed in the judgments that shaped the West Memphis Three murder trial is a type of knowledge inherently excluded from a classical approach to legal theory. Understanding this type of knowledge also requires a much larger lens.

Despite wishful thinking from the Enlightenment, human beings also function with tacit knowledge and the recent growing awareness of this has come from multiple angles. Tacit knowledge-- alternatively implicit knowledge, inarticulacy, non-declarative knowledge, and ineffability—refers to the unspoken and often unspeakable knowledge that rules human behavior in most of everyday life. It is the kind of the knowledge that psychoanalysis is interested in (Carl G. Jung 1968; Freud 1990; Jung and Hull 2014) and what psychology refers to as implicit memory (Roediger 1990). In sociology, it is referred to as inarticulacy (Mukerji 2014) and non-declarative culture (Lizardo 2017). Indeed, it at least partially informs the positionality-based aesthetics of legal theory we discussed.

This type of knowledge has been fertile grounds for some of the most powerful critiques against mainstream sociology coming from critical theory. Specifically, subaltern studies have identified a Modernist blind spot to emotional and spiritual knowledge (Spivak 1999). And, I would argue, overlaps heavily with what theology calls ineffability (Jacobs 2015).

The basic typology between formal and tacit knowledge is also true of cultural knowledge. The cultural turn in sociology has turned our attention to the powerful causal role culture plays in social life. A wide range of theories and methodologies have developed to study culture, often separated by substantial divides. The vast majority have inherited the scientific bias toward formal knowledge-- emphasizing formal and rational elements of culture-- and neglected tacit cultural knowledge.

This divide—between formal and tacit cultural knowledge—has emerged from a variety of angles in cultural sociology. Lizardo suggests a core issue lying behind the cultural debates in theory is the question of nondeclarative culture (Lizardo 2017). Mukerji argues for a more dynamic, positive view of Bourdieu’s *habitus* that considers the element of inarticulacy in cultural knowledge (Mukerji 2014). Although seemingly dismissing the importance of tacit culture, Johnson acknowledges the core divide by arguing that without express cultural ideas action does not exist, only behavior (Johnson 2014). And recent work on culture and cognition breaks knowledge down along this divide, even as it demonstrates its limitations (Pagis and Summers-Effler 2021). No wonder some have concluded sociology as a *form* of knowledge is experiencing epistemological insecurity (Mele 2013). Interestingly, Mele suggests that the study of aesthetics may be a path forward through this insecurity.

There are therefore two key dimensions to tacit aesthetic knowledge: its tacit character and its aesthetic character. My above explication essentially makes the point that there are two types of knowledge: formal and tacit. Tacit knowledge is the purview of the subconscious—the knowledge that shapes our behavior and relationships without us consciously being aware of it. It is held together by affective logic and impressions. Tacit knowledge draws from instinct and feeling. It also does not require any formal structural reasoning to exist.⁸

As a result of this tacit character, it is also obviously true that this type of aesthetic knowledge does not derive directly from the traditional formal field of aesthetics. It shares similarity, in as much as I am interested in the way we assess the external features of an object or person, perceive it sensually, and evaluate those perceptions. And, as is perhaps obvious in a

⁸ A small illustrative example: The theological concept of predestination exists because it is seen as logically necessary as a result of other more concrete concepts, such as the omnipotence and omniscience of a monotheistic God. A person’s aversion to individuals wearing trench coats is not grounded in any particular logic that necessitates its existence nor would it hold up under scientific scrutiny. Nonetheless, it shapes many peoples’ choices.

case involving allegations of Satanism, it involves the assignation of moral value to the judgments being made. But tacit aesthetic knowledge is less concerned with the formally structured understanding of how concepts of beauty and goodness unite and more concerned with the immediate, instinctual judgments that are formed and delivered by individuals and communities. In that sense, I am closer to Schlagg, thinking of aesthetics in terms of perception and even “apprehension”.

This concept also is advantageous in an important way for this case. Because it is not formally structured, I am more attentive to the deeply affective, visceral feelings actors experience in response to external stimuli: dread, revulsion, horror, disgust, and the like. In this way, I move closer to Danto (Danto 1998). It is not a cultivated aesthetic. Rather, it is the attentiveness to the meanings behind and construction of immediate reaction and base signification.

Methods

My core research question is: how and why did the Satanic Panic narrative come to dominate the West Memphis Three investigation, trial, and appeals? I ultimately argue that Satanic Panic narrative came to power: First, in order to satisfy the need for true monsters to reify existing moral and symbolic values in the community about who could commit such a horrifying crime. Second, in the absence of sufficient alternatives via traditional sociological demographics. And finally, the Satanic Panic came to dominate due to powerful mutually shared assumptions about the aesthetic dimensions of evil, as well as understanding what shaped these shared assumptions.

Given my theoretical framework, I critically examine the case study through what constructivists broadly call interpretivism (Berger and Luckmann 1966). From a cultural perspective, I am particularly attentive to the question, “What are the symbolic inputs to subjectively-guided social action?” (Reed 2012, 39). I am also particularly sensitive to relational difference, duality, and communication (Mohr and Rawings 2012).

Specifically, I take a hermeneutic approach to culture, seeking the narrative and discourse construction surrounding the trial. This is done fundamentally via the Biographical Narrative Interpretive Method (Corbally M 2014; Wengraf 2008). In essence, I use traditional methods of archival research and interviews to reconstruct a narrative of what happened in the said homicide trial with particular attention to the individuals’ experiences and the communal context.

To construct this rich narrative and analysis, I developed a deep archive. I collected every newspaper article and internet sources on the trial (and the eventual campaign to overturn the trial) using a combination of multiple library databases, Arkansas newspaper archives, and Google news to spot check.

I supplemented this with all available documentaries and the famous journalist book titled *Devil’s Knot*. These documentaries proved especially helpful, as many contain audio and video recordings not otherwise easily available thirty years later. This includes several “documentaries” about the satanic cult conspiracy that were referenced throughout the West Memphis Three trial as evidence.

Finally, I also accessed the full case file and court transcripts from all the proceedings. This file included all items entered evidence and documented throughout the investigation and proceeds—from interviews, autopsy reports, genetic testing results, “expert” articles on cults, to

notes written in the margins by law enforcement. I then collated all news articles and evidentiary items to a chronological timeline to establish the relative position of coverage and investigation.

I supplemented this archival work with semi-structured interviews conducted with relevant players. This allows me to better grasp the individual's perspectives, beliefs, and internal logics that did not directly appear on record as formal legal logic; I was also able to critically evaluate existing narratives about the trial. I am currently using snowball sampling, and have successfully interviewed the lead defense attorney, the author and journalist Mara Leveritt; I am in contact with one victim's mother and the presiding judge.

Collectively, I was able to construct a detailed narrative over the course of the trial and ensuing activism. This narrative demonstrates a clear and ongoing pre-existence of aesthetic ideas about the type of person who could commit a crime such as this. This narrative entered the discourse surrounding the murder of three children in West Memphis and ultimately would decide its outcome.

Chapter Four: Moral Panic

The heart of my dissertation is a critical sociological exploration of how and why Satanism came to be the dominant narrative in the social construction of the West Memphis Three murder trial.

In the following chapter, I seek to understand how the Satanic Panic entered the investigation before the three teenagers were arrested. I ultimately find that in the face of a heinous crime and lack of evidence in any particular direction, investigators concluded the crimes must be satanic in nature and, in the absence of evidence, relied heavily on judgments informed by the Satanic Ritual Abuse (SRA) narrative. In other words, a serious violation of the community's symbolic universe required investigators and the media to not only solve a crime but also assemble a narrative that was intelligible to the community and held their symbolic universe intact. While a range of demographic variables factored into this narrative construction, none were cohesive and substantial enough. Gradually, this left only the Satanic Panic narrative in place. This narrative was further bolstered by well-placed and passionate advocates who had long believed the Satanic Panic narrative, even bringing experts to West Memphis to train police, thus instilling a sense of authoritative legitimacy.

My exploration proceeds essentially chronologically at a granular level. I first examine the early days of the investigation—beginning with the day the boys disappear until the Jessie Miskelley confession. I critically follow how investigators and the media gradually adopted a SRA narrative in West Memphis leading up to the arrest. In doing so, I am attentive to both

media reporting and early police notes and case file entries. This allows me to reconstruct the development of a narrative about the case in media discourse alongside the development of the actual criminal investigation. The two happened simultaneously, gradually constructing a framework whereby the community would eventually render a guilty verdict and assign meaning.

Ultimately, the narrative in West Memphis unfolds as follows. The early days of the investigation are marred by a lack of information and inaccuracy. In this context, local community members and the media spread rumors, including and especially the belief that the crimes were ultimately sexual in nature. These fuel building rage, insecurity, and panic in the community. As the police fail to find leads, I find evidence of speculation along typical biases as reviewed in the literature review—including and especially mental illness, race, and religion—but none are treated seriously as independent factors. Amidst all of this, there is a sense of secrecy from law enforcement and mistrust, fueling speculation that local officials must be hiding something truly terrible.

About midway in the discussion, the global media enters the reporting fray, adding a geopolitical element to the stress. Further, media begins to build up the narrative surrounding the victims. In dramaturgical terms, we see the bolstering of the innocent archetype. It is around this moment that the idea of potential gangs or cult activity is introduced, and other suspects and explanations fail to gain traction and attention in the media. Finally, in this moral vacuum, key actors who had long since advocated the Satanic Panic narrative find themselves with greater traction.

I demonstrate that in the face of a heinous crime, a community found itself in a state of moral panic working to rebuild its symbolic universe. This allowed for the introduction of the global Satanic Panic narrative, bolstered by key actors and a sense of authenticity via global “experts”.

Please be aware that the following discusses the murder and sexual abuse of children in substantial detail.

Misinformation, Rumor, and Symbolic Crisis

The first 48 hours is something of a tired trope in true crime, albeit one rooted in the statistical reality of how important the first 48 hours really are in solving a crime successfully. In hindsight, the first 48 hours of the investigation into the murders at Robin Hood Hills are ominously predictive.

The actual “start” of this story remains shrouded in mystery. Whatever unfolded in court, the reality is we do not know as a fact who killed Chris Byers, Michael Moore, and Steven Branch. We don’t know many details surrounding the actual murders. And we don’t know anything about the “why”.

We do know the boys were last seen on 5 May 1993 riding their bikes sometime between 5:15 and 6pm (C. F. N. Services 1993). It was 65 degrees out (State v. Echols Casefile, “25 May 1993 Note”).⁹ A perfect spring evening.

We also know that their bodies were found approximately 19 hours later, on 6 May 1993 at 1:30 pm (State v. Echols Casefile, “25 May 1993 Note”). They were found by an officer out searching for the boys that was manually dredging through the creek bed and spotted a floating

⁹ The entire casefile of the West Memphis Three murder investigation is now publicly available. Throughout this dissertation, I reference this casefile along with the evidentiary number or document title provided on the document by West Memphis Law Enforcement (Arkansas n.d.).

shoe. The bodies were removed from the water at 3:30pm, when the time investigators were able to get on scene and prepare. The autopsy was performed at 4:10pm and they were legal pronounced dead. At the time of autopsy, it was approximately 80 degrees outside, likely speeding decomposition of the bodies.

Beyond this point, facts about the crime become a tangled web of information and speculation.¹⁰ Unlike the actual criminal details, information about the chaos that surrounded the crime is well documented. And unfortunately, as far as any records indicate, the first inaccuracy originated with the West Memphis police.

On 7 May, less than 24 hours after the bodies were discovered, the Jonesboro Sun ran an article on the investigation that referenced an internal police memo (Reports 1993c). The memo, which is no longer publicly available and was not directly quoted in the article, was distributed to nearby precincts, and evidently indicated that all the children had their genitals mutilated. The lead investigator, Gary Gitchell, responded by simply describing the report as inaccurate. He did not specify if the news report itself was inaccurate or if the memo was inaccurate. Speculation thus began to run rampant.

In truth, the police memo itself was inaccurate. One of the children had been mutilated. The memo indicated all three had been. But the inaccuracy was met with vague corrections, which only fueled further inaccuracy and speculation.

The next day, several newspapers started reporting that the boys had been found sexually mutilated, failing to correct the original error, and expanding the narrative about motive they assigned to the action (Jefferson 1993d; Reports 1993c, 1993a; P.-I. N. Services 1993). The

original memo did not expressly attribute the mutilation to sexual motive, but this narrative has remained even today in most accounts.¹¹

Within the literal first 48 hours, then, we see the beginnings of a pattern that would continue unabated throughout the entire investigation. In the absence of accurate information, and vague answers from law enforcement, the media and a panicked public begin to assign narrative and accept their own narrative as truth. The boys (plural) were incorrectly described as having had their genitals mutilated. This was interpreted in the absence of further information as having been sexual.¹²

Two days after the bodies were found, the public now believed as fact that the three boys had been sexually mutilated.

This brings us to day three, which is marked by clear reporting on the local community's building panic and rage. Based on media sources, by May 9 panic has understandably grown and set in. New details have started to emerge that make the case more disturbing—the boys were found with their feet and hands tied together behind their backs with shoelaces (Reports 1993b). Further, the police confirm they are “making progress” but have no suspects. The police also confirm they requested FBI develop a behavioral profile (Jefferson 1993a; Staff 1993c). In many

¹¹ In a further bizarre reporting misstep, the Seattle Post-Intelligencer attributed the memo report to the Memphis Commercial-Appeal instead of the actual news agency of record, the Jonesboro Sun (P.-I. N. Services 1993). In a moment of clarity—ironic for what it missed—the Associated Press clarified original reports by quoting the police memo, which said the boys’ “genitals had been removed with a sharp object” and indicating that their hands were tied (Press 1993f).

¹² What is the nature of this interpretation? In truth, the answer lies at the heart of this dissertation. But at first pass, we can at least note that this interpretation arose at the intersection of a horrible reality and lack of information. It assumes that the genitals were removed by a person (this is likely, and I think true given the circumstances, but later forensic scientists would also testify the genital damage could have been because of animals and weather).

The specific nature of *sexual* motivation is somewhat separate but related issue. In part, many would argue that an act like this is always sexual in some sense, given the nature and location of the harm done. Thus, we may call it *sexual* mutilation because it involves genitals and violence. But this does not directly speak to conscious motive. We still do not know why exactly the genitals of one boy were removed. Was there sexual abuse predating the murder? Was it an act of rage unrelated to sexuality? In any case, the public attributed the act to some sort of sexual motivation. This was most certainly presumption, a sort of narrative that made “sense” in a manner of speaking. And it opened the door to much further panic.

ways, this early ask only adds gravity to the panic locals experience—a clear admission the case may be well beyond local law-enforcement capabilities.

The effect of the murders has transformed the town. A piece in the Chicago Tribune May 9, 1993 details the observable panic gripping the town:

What once was a bustling, carefree neighborhood where children could be seen everywhere had become a virtual ghost town Saturday as fearful parents kept their youngsters inside, and police searched outside, combing the wooded area along Ten Mile Bayou for more clues in the grisly case (Knight-Ridder/Tribune 1993).

In what might be seen as prophetic, the Tribune notes this fear, “mixed with sadness”, also appeared to be moving to something more disturbing: “rage... toward the "madman" involved in the slayings.” A parent that agreed to be interviewed said simply, "Our guns are loaded and laid out in two bedrooms," said Pam Eskridge, 33.

In an early sign that the police are sensitive to the public panic, the Tribune further notes that West Memphis transients are being rounded up and questioned. Lest anyone be in doubt, they conclude,

“The anxiety gripping the West Memphis neighborhood, several miles west of the Mississippi River, largely comes from the announcement by authorities Saturday that they still have no suspects in the murders.”

The blame is given more pointed specificity:

“Some parents complained that police were slow to respond and did not initiate a full-scale search until Thursday. Gitchell defended police actions, noting that many children are reported missing only to be found a short time later.”

Not to be undone, Gitchell passively returned the blame, implying parents that allowed their children to play in a forest behind a truck stop may share the blame:

“He said questions about the police response were "a lot of if, if, if." He then added, "I don't want to lay a guilt trip on anyone, but if the kids were not allowed to be down there, maybe this wouldn't have happened."

In only three days, the police and public are laying blame at each other's feet, parents are preparing for independent action, and the FBI has already been consulted. To call the situation ripe for panic is an understatement.

It is also worth observing that the type of person responsible for such a heinous crime is already receiving some depth, and that this depth involves key demographics ripe for bias. The person(s) must clearly be mentally unwell. They may be looking for other children. They might be *homeless*. Of course, none of these thematic throughlines are treated as fact at this point, but it speaks to the community's thought process around the investigation, pulling from a wide range of demographic tropes and biases as they seek understanding.¹³ In that way, this fits well with existing work on social variables and inequality before the law. Of course, these variables recede as the local investigation would shortly gain another, darker element: Satanic Ritual Abuse.

On May 10th, the “Cause of Death” forms are released to the police and are as maddeningly unhelpful as the rest of the case (State v. Echols 1994). All three forms for the boys are identical, noting the cause of death as homicide by “multiple injuries”.

On May 11th, the case expands in three substantial ways that dramatically impact the “drama” surrounding the case. First, the Arkansas Gazette attempts to make a FOIA request and is denied. The antagonism and speculation between the press and police in Arkansas truly spirals, with rampant speculation they are hiding important, horrific details. Second, an article published

¹³ It's worth noting that—if this were a case of sexual abuse—the vast majority are white males that are known by the victims, the average person that is never imagined in frenzied narratives(The Editorial Board 2022).

in San Diego begins to explore the idea that the case could be the work of a serial killer who is active across the country. The article also asserts the mutilation of the boys was certainly the result of mutilation, rejecting an alternative offered by police who suggested animals could be at work (Thornton 1993).¹⁴¹⁵

Third, the Guardian Newspaper in London reports on the case, officially being the first international newspaper to cover the murder investigation. This is then reprinted elsewhere (Tisdall 1993a, 1993b). Thus, the construction of the case has now expanded to include global actors and international political pressure. For a small town often ignored even locally, this was no doubt anxiety-inducing. Worse, the article frames the case as yet another example of the United States' violence "problem" and inability to protect children. Whatever the cause, the narrative debates at play now included a broader critique of the failures of the United States as a culture and government.

As it is, as the first week since the boys disappeared came to a close, no progress has been made from an investigation standpoint. From a social standpoint, everything has gotten much worse. Community anxiety has grown as information remains scarce. Police and the community trade blame in comments to reporters and reporters have now been openly denied FOIA access. Rumors have developed further that the boys were sexually mutilated and

¹⁴ This is the first time the "animal" theory appears in public discourse. It eventually becomes part of the appeals argument.

¹⁵ What of the rumors of sexual assault and sodomy? The answer remains complicated. The official cause of death makes no mention of it. However, the earliest evidence submission forms completed by the detective on hand suggest *possible signs of sodomy* (State v. Echols Casefile, 005894). On May 11th, a rape kit is submitted (State v. Echols Casefile, 005888).¹⁵ The police refuse comment further when reporters ask about the "rumor" of sexual assault and criticism of their handling grows (Castaneda 1993). On June 2, the results of the rape kit come back—no semen was found on any samples (and also not on any other forensic items). This result is not mentioned during the arraignment which happens three days later. Instead, the police simply repeat they believe they saw signs of sexual assault.

sodomized. And worst of all, the spotlight on the case has grown exponentially. Within a week, the world had started watching West Memphis.

May 12th marks the one-week milestone in the investigation. The Associated Press runs a more “personal” article, largely focused on characterizing the three victims. The article was reprinted widely (Jefferson 1993d, 1993c; Press 1993b, 1993g). It is, of course, tragic to read even as it performs the usual tactic of designing a fallen virtuous protagonist. It opens, “Chris was a big talker with a passion for cartwheels and watercolors. Steve was the straight-A student who loved to read. Michael, the jester, once showed up in class in his father’s Navy uniform” (Press 1993b). Most of the copy focuses on elaborating on Christopher, Steve, and Michael.

A small portion of the article also notes the growing frustration in West Memphis, “Residents are grief-stricken and jittery, willing to do anything to help, wishing they had some answers” (Press 1993b). It’s also here that the article somewhat casually mentions what will eventually become the dominating narrative about the entire case.

"Rumors are a dime a dozen, everything from gangs to cults are floating around. We try not to pay any attention ... but we just don't know." (Press 1993b)

Listed as a separate paragraph, the excerpt almost reads as part of the reporter’s narrative. It took me a moment to realize it was a quote from a resident—“James Presley, a clerk at J&B Grocery near where the bodies were found.” (Press 1993b)

This is the first time the word “cult” appears in news coverage. It also had yet to appear in any official documentation of the case. In hindsight, it seems somewhat random to list cults as the top two explanations of murder alongside gangs.¹⁶ But was it random? How was this case linked to cults in locals’ imaginations? This answer, it turned out, would be critical.

¹⁶ To be clear, gangs would be also deeply illogical in most cases. A... gang came through small town Arkansas to kill elementary children? But it at least does in fact have connections to violence in real world crime.

Media coverage falls silent for a few days, with no real updates on the case and no word from the FBI. On May 16th, a terse update from Gitchell summarizes, “We’re just doing our general follow-up, but we have nothing substantial” (Staff 1993f).

The first ten days following the murders at Robin Hood Hills have produced literally no useful physical evidence. But they have produced a vague idea that the boys were sodomized and mutilated and that the police are hiding important details. Rumors have also started circulating, including a tantalizingly dark rumor—the boys may have been murdered during cult activity.

How did the idea of cult activity get injected into this investigation? And why would it develop into the dominant narrative surrounding the eventual West Memphis Three murder trial?

This question is more than simply authentic puzzlement in hindsight. It is a foundational question about this trial that enables us to see the eventual outcome more clearly. It is also more generally reflective of a core criminological question: how communities develop a narrative around crime and how they make meaning in impossible situations.

Constructing a Criminal Narrative

In theory, narratives around a particular crime involve essentially two components: 1) facts and physical evidence, and 2) the meaning communities assign to these facts. In this case, the facts were at best misconstrued. And as facts continued to elude the police, the panic built.

Put simply, the police’s attempts to pursue physical evidence reached dead ends with alarming consistency.¹⁷ While their efforts at finding meaningful physical evidence faltered, police also confronted a variety of potential other narratives and demographic variables.

¹⁷ It would not be inaccurate to say very little changed between the coroner’s shockingly vague Cause of Death forms and the eventual arraignment of Damien Echols, Jason Baldwin, and Jessie Miskelley. Indeed, the police would not even actually have the autopsy results until *after* they had already arrested the three teens (Leveritt 2002b). To Gitchell’s credit, he practically begged for any information from Peretti, who simply ignored him. In the days leading up to the arrests, a variety of attempts at finding useful evidence were pursued. All proved to be dead ends.

First, in the case of crimes against children, parents are a common suspect. In this case, it's unclear if the police did typical diligence and found nothing or if neglect was at work. While the police did speak to all the parents, they did not record or take notes on any of the parent interviews. In fact, a detective for Shelby County called West Memphis police to inform them that both John Mark and Melissa Byers—Chris Byers' stepfather and mother-- worked as informants for the Shelby County Police. This naturally suggests some degree of connection to criminal activity. The West Memphis Police did not follow up on this lead. In truth, this is unsurprising. As described in the theoretical framework, communities often have trouble accepting parents as the obvious suspects for a crime against a child—let alone three who are sexually mutilated. Moreover, at this moment in history, the idea of parental child abuse was only just being introduced. The ensuing moral panic at a national level opted instead to place blame on Satanic Cults running daycares rather than accept the idea that parents who attended local community activities were at fault. Here to, the community seemed to find it unthinkable that parents would be involved. It simply did not satisfy the moral logic needed for such a crisis.

Second, I've already mentioned gangs and gang violence and this possibility does appear in early media coverage. Indeed, one of the boys' next-door neighbors moved abruptly after the children went missing. This neighbor was known to be involved in drugs, was polygraphed about

On May 19, Kermit Channell submitted a letter to Genetic Design—the frequently used Arkansas crime lab—requesting they perform DNA Analysis comparing existing samples with the DNA of Damien, Jason, and Jessie (State v. Echols Casefile, 002258). This indicates how early and how seriously the police were considering the three as suspects.

Unfortunately for their theory, lab analysis reports proved inconclusive (State v. Echols Casefile, 005796). On a hair analysis, the lab specifically notes *differences* between the samples found at the scene and Damien's as well as notes that the sample provided is not sufficient (State v. Echols Casefile, 005782).

On June 1, 1993, the police request DNA analysis on a man named "Steven Menard" (State v. Echols Casefile, 002257). This is mostly surprising given the timeline. In just four days, the police would arrest Damien, Jason, and Jessie. Steven Menard is never mentioned again. Finally, on June 2, 1993, the lab returns the rape kits and forensic analysis—no semen was found on any samples collected by the police (Arkansas n.d., 000123). Moreover, there was no substantial evidence of sexual assault.

By the time of the arraignment of Damian Echols, Jason Baldwin, and Jesse Miskelley, virtually all physical evidence pursued by the police had turned up either inconclusive or suggesting it was someone unidentified.

the children, and failed. This also was never followed up on by police (Leveritt 2002, 27). While I cannot concretely demonstrate why this did not feature more heavily, I suspect it was for a few reasons. First, gang violence is rarely if ever represented in the media as affecting innocent children. Applying this narrative would have required more social constructive work. Second, and to be fair to local law enforcement, the scene of the crime as is would not be consistent with typical gang violence and their belief of sexual mutilation would certainly deviate. Third, West Memphis had long been battling drug use, much like the rest of the US under the Clinton administration. Attributing this horrific crime would have attributed it more to community failure than to a monstrous individual. This was no double unacceptable.

Third, given the police's belief that the crimes may have been sexual in nature, it's not surprising that filed evidence also includes brief checks on a range of known offenders and pedophiles from the area. All proved to be non-starters. For example, two convicted pedophiles police tracked down ended up both having been out-of-state since long before the murders occurred (State v. Echols Casefile, 000062, 000056).

Fourth, the potential for a racially charged narrative was briefly introduced—and summarily ignored. This detail has since become infamous. At around 9pm on 5 May, the night the three boys disappeared, the police received a call from Marty King, the manager of the N. Missouri Bojangles restaurant. Detective Sargent Allen and Detective Ridge went to the Bojangles and spoke to the manager. The manger informed the police that they found a black male in the women's restroom, bleeding from his arm. The man appeared to be “mental/+ disorientated” and not under the influence. When the called police, the suspect left. He walked towards the service station next to Robin Hood Hills. The detectives took blood samples from the bathroom (Allen 1993). These samples were lost, and no leads were pursued.

As the case stretched a full month past the discovery of the three boys' bodies, police had largely only failed to find evidence. They found—or at least pursued—no useful physical evidence. They essentially assumed the parents could not be involved. They found no suitable sex offenders that fit the crime and could have been in the area. And they failed to develop circumstantial evidence in ways that could have proven fruitful. In other words, and all critiques aside, as the town's panic increased the police struggled to find meaningful leads. One rumor had failed to die out: a satanic cult could have been involved.

Satanic Cults in West Memphis

While other leads and explanations were either dismissed, the Satanic Panic narrative gradually gained steam and media attention. By the time three boys were found dead in a creek in West Memphis, the FBI had already investigated and dismissed claims of Satanic underground cults and most charges had been dismissed. Only a few cases would be tried later in the Western World. In the *longue durée*, the Satanic Panic in America was coming to close. Unfortunately, this had not yet reached West Memphis.

Up until this point, I have traced the lack of information and increasing moral panic in West Memphis. In what follows, I focus more narrowly on how the Satanic Panic narrative was first introduced in West Memphis, the actors involved, and how it eventually gained traction. After a prolonged period of uncertainty, the moral panic in West Memphis gave way to the highly developed—and seemingly plausible—narrative of Satanic Cults and ritual abuse.

In some ways, the overarching pattern of the Satanic Panic fits West Memphis in a way that other narratives—for example, about gangs or black criminals or parents—did not. The crime involved young children. It appeared to involve sexual elements. It happened in a small town, still holding to the “good old days”. And like the rest of the western world through this

panic, the town was mightily struggling with coming to terms with the reality of such a horrific crime.

It was, of course, also very different. None of the other Satanic Panic cases showed any clear evidence of crimes. And none to my knowledge involved homicide. In stark contrast, this case had three mutilated bodies. Most previous cases also involved institutions and institutional figures—preschools and police, for example. This case developed in the exact opposite direction. The children had already left school and the only people it would eventually be blamed on were outcasts. In that sense, the West Memphis Three case is a true limit case in the study of the development of the Satanic Panic.

But by 1993, the core Satanic Panic narrative was widely known and still treated credibly, FBI investigations and proclamations notwithstanding. Somewhere out there, a cult of legions of malicious Satanists were planning to overthrow society. To do this, they were sacrificing children in pursuit of dark power. And as it were, a few key actors in West Memphis society were already very concerned about this exact possibility.

The most central at the time was a County Juvenile officer named Jerry Driver.¹⁸ Driver, a former commercial airlines pilot, developed a late-life career as probation officer for Crittenden County. Driver openly believed the satanic cult activities worldwide had come to West Memphis and spent a great deal of time and effort developing himself into a sort of local occult expert (Leveritt 2002, 40). Given patterns seen worldwide in the panic, it's noteworthy that Driver too played fast and loose with the term "occult", including everything from Witchcraft to paganism to non-Christian religions broadly (Galonnier 2015; Sussman 1986). Steve Jones, the probation officer who found the floating shoe in the creek, happened to be Driver's assistant (Leveritt

¹⁸ Just to be clear, Driver was not a police officer.

2002a). Together, Driver and Jones had long been noticing “cult-related” graffiti under railroad bridges, such as pentagrams (Leveritt 2002a). Eventually, Driver would give a statement to police specifically about Damien Echols.¹⁹

Before the disappearance of the three boys, Driver was so concerned about Satanic infiltration that he personally invited a consultant who lectured on crime and the occult to deliver a lecture to the West Memphis Police. This consultant was Steve Nawojczyk, a former Little Rock coroner (Demirel 2014). While there, he performed the now standard Satanic Panic lecture including key signs your teens may be Satanists. Notably, although I’ve confirmed his identity, this article and others make no mention of his lectures on cults and testimonies on the occult.

Don Bray accidentally became a third critical person in the focus on Satanism. Bray was a West Memphis police officer that happened to be interviewing a woman named Vicki Hutcheson on May 7. Her employers had filed theft complaint against her. Hutcheson showed up to be interviewed with her son who said he saw at least one of the missing boys get into a car with a black man the day they disappeared.²⁰ Unfortunately, Bray was friends with Driver, who he described as “the most knowledgeable man in the country when it came to Satanic worship” (Leveritt 2002, 58). By May 7, one day after the bodies were found, Driver had already given Bray a list of names he believed could have killed the boys and said he was sure the crime was satanic. In other words, within 24 hours of the bodies being discovered, at least one police officer believed the murder was related to satanic cults. Given this conviction, Bray failed to follow up on the lead about a black man picking up the children in his car.

Finally, Dennis Ingall, the pastor of Lakeshore Baptist Church became a major figure in the dialogue about cult activity after an anonymous tip said a pastor at the local Baptist Church

¹⁹ http://callahan.mysite.com/wm3/jerry_driver_statement.html

²⁰ Magically, the police failed to then focus on Hutcheson’s theft complaint.

was concerned teens at the Lakeshore trailer park worshipped the devil. Indeed, when the police interviewed him, he relayed that he had heard teens participated in cult activities near the river and that Damien Echols had boots with 666 on them (Leveritt 2002, 57). I will return to his and Driver's specific comments on Echols in Chapter Two. For now, it is sufficient to note that early in the investigation, both had reported they believed cults were operating in West Memphis and both reported Echols' involvement.

Given this, the satanic explanation had early and focused power with specific influential advocates, in spite of law enforcement efforts to portray an open investigation. Leveritt puts it precisely:

“By the very next day, May 8, the sense that the murders might be linked to satanism was gaining strength within the department. When a detective reported. That an interview subject claimed to have seen two black men and a white man coming out of the woods, Gitchell read the report and then scribbled across the bottom: “Has been mentioned that during cult activities, some members blacken their faces.” (Leveritt 2002, 58)

This incident is noteworthy for two reasons. First, it shows the power of the satanic narrative in investigators minds—Gitchell's note on why people leaving the woods appeared to be black is hardly the most obvious explanation. Second, this marks the *third* incident mentioned here where police were informed about an unidentified black man and did not pursue it as a major lead.²¹

But what specific evidence existed for the satanic cult narrative developed? How did law enforcement intend to justify their conviction satanists were involved? In hindsight, evidence behind their suspicions would prove as ephemeral as expected. In terms of physical “evidence”, they largely pointed to the kind of thing generally chalked up to angsty teenagers.

For example, A heavily graffitied car was eventually catalogued as evidence by police. On 10 June 1993, Phillip Robertson called police to say he was concerned about the markings on a

²¹ In most cases, I might treat this as a major progressive win, given eyewitness accounts are notoriously racially biased. That said, given the number of reports and differing reporters, it seems shocking this was dropped.

vehicle he purchased at auction (presumably, he had heard the three were arrested because of their suspected Satanism) (State v. Echols Casefile, 000010). The car was stolen some time previously and located by police. When the owner saw the damaged vehicle, she decided to sell it to Airport Auto Salvage, who then sold it at auction 10 June. Evidently during the time the car was at Airport Auto Salvage, it was graffitied by unknown individuals. The markings were as follows:

- Writing that read, “the devil made me do it” (State v. Echols Casefile, 000014)
 - “fuck police” (State v. Echols Casefile, 000018)
 - “PS we can’t be stop (*sic*) bitch” (State v. Echols Casefile, 000013)
- “G.D. Gangster” (State v. Echols Casefile, 000020)
- An image of a Star of David and “G-thang” (State v. Echols Casefile, 000015)

As an outsider, the images are clearly drawn by amateurs and likely juveniles. They are immediately reminiscent of the angst, rebellious drawings done by teens across the US in bathroom stalls and on abandoned properties. If nothing else, the culprits are not intellectuals. The grammatical tense is wrong on 000013. The drawing of the Star of David may have been intended as a pentagram, but as it was rendered correctly, it instead just appears to be a symbol of Judaism. And yet, police took this into record as potential evidence of the rumors of a satanic cult around town.

The interviews they largely relied upon were equally concerning. On 7 October 1993, police conducted an interview of Tiffany Allen. Tiffany Allen, a high school student had a previously reported altercation with Jessie Miskelley.²² The interview started with reviewing the

²² Original offense report was March 7, 1993.

details of her previous police report. It took an unusual turn. The following was recorded and transcribed:

Ridge: Okay, now this group, she's saying they would be after you, do you know of a satanic group that exists lakeshore?

Allen: No sir.

Ridge: You don't know of one at all?

Allen: No sir.

Ridge: Now the talk is that one does exist and there are things that happen.

Allen: Yes sir. (State v. Echols Casefile, 000048)

Notice that at this point, Allen has said twice she does not know of any satanic groups. Ridge

then instead *informs her* that there are rumors that one exists. He then asks her for details about

where and when they gather.

Ridge: Where are those things happening?

Allen: It should be in a field behind the old um, the old sewage plant back there.

Ridge: Okay, uh do you know when that would occur was daytime, nighttime, have you seen kids out there or anything like that?

Allen: No sir.

Ridge: You haven't?

Allen: It should occur in the nighttime.

Ridge: But...

Allen: But I haven't never seen anybody out there.

She speculates where and when it would happen but is also clear she's never actually seen it

happening. Notice that her speculations are perfectly in line with B-Movie Hollywood ideas and

classic imagery of cults. Ridge, unsatisfied with her qualification, performs a manipulative and

dubious interview technique. He circles back to his first question. Has she heard of a satanic

group? Remember, she previously said she had not twice. He then *informed her* that there is talk

of such a group. And now, finally, he asks her if she's heard of such talk. She obviously now has

heard such talk—from an authority figure no less.

Ridge: Okay, and you heard that a group exists?

Allen: Uh-huh.

Ridge: Satanic Group?

Allen: Yes sir.

Ridge: And you believe one exists, but you don't know who those members are is that correct?

Allen: Yes sir.
This was entered into police evidence and seen as legitimate information about ongoing satanic activity in West Memphis.

As a dark footnote, Driver himself would fall from grace shortly after the West Memphis Three went to prison. It was discovered that Driver stole \$27,000 in fake checks from the County (Sullivan 2000). He resigned 1997 and his case was resolved in 2000. It appears he then got arrested in Florida for grand theft auto before eventually moving to Michigan (Sullivan 2000).

Constructing Meaning Amid Moral Panic

In the face of such horrific crimes, it is natural and common to grasp for narratives—to attempt to find meaning in atrocity. Indeed, a crime of this magnitude appears to have almost by nature rejected typical explanations, instead demanding a monster to fit the monstrous violation of the community’s moral universe.

Law enforcement, the community, and news media built on misleading and often false initial information to quickly develop a few key potential explanations. After a month, the pursuit of local sex offenders had dried up. Few useful leads materialized amongst the physical evidence, providing essentially no focus to investigation into potential strangers. The parents, likely for a variety of complex reasons, were essentially ignored.

But the “satanic cult” narrative proved hard to shake. For one, the narrative had the benefit of making meaning out of the murders in a way most residents were already primed to accept. It also had individuals who fit the potential bill for satanic teens (Rivera 1988).

The satanic narrative was also already widely believed across the world-- such an infestation was real and really happening. Not only was it broadcast on national news, but it was also a local subject by the time of the murders. It was being preached about by a local pastor in West Memphis. The police had hosted an expert on the occult just that year. And the town had a

prominent, involved resident widely considered an expert himself passionately campaigning for individuals to be considered suspects. All that was needed was proof. To a mind made up, three boys hog tied and mutilated sounded like proof enough of real satanic evil.

In other words, the community had no real facts, information, or anything to help them make sense of a tragedy. What they did have was a dominant global narrative that many already subscribed to. They *knew* what evil was and what it *looked* like, even if they couldn't rationally make sense of the facts or how they connected to this intuitive sense of who would commit such crimes. Having been steeped in the Satanic Panic, the town of West Memphis had subconsciously already determined what type of person must be guilty. Facts were ironically—and literally-- immaterial.

The only challenge left was to connect that gut-feeling about evil to a real person. A horrible crime occurred in West Memphis. As a small community attempted to gain understanding of a tragedy, a spiraling cycle of lack of evidence, factual inaccuracies, and poor communication gradually built a general anxiety into a desperate panic. From the first 48 hours, inaccurate reporting and police challenges combined to create a rapidly developing narrative detached from any real evidence or progress in the police investigation. Grasping for understanding, the community drew on a well-known narrative of child crimes—the satanic cult narrative. Never mind the lack of evidence on either front. Once the tenuous lines were drawn connecting the three boys' deaths with the satanic narrative, they became de facto truth. In part, this was no doubt due to the lack of competing narratives. But it also played into the deep social need for moral understandings and filled that need with already accepted ideas of good and evil.

Social life is built on shared meanings and how we relate to those meanings (Durkheim 2016b; Goffman 1959). As such, ultimately all action is embedded in a complex structure of

meaning (Alexander 2012b). These meaning structures are fundamentally rooted in what might be described as moral binaries, essentially dividing society between the sacred and profane (Douglas 1966). A productive outworking of this approach has been in civil society, illuminating the symbolic meaning structures called the “civil sphere” (Alexander 2012a; Thumala Olave 2018). A related subfield has also demonstrated the ways these binaries are debated in popular culture (Engelstad, Larsen, Rogstad, et al. 2017; Engelstad, Larsen, and Rogstad 2017; Jacobs 2017; Jacobs and Wild 2013; McKernan 2013; Wu 2011).

Given this, meaning and narrative are deeply connected to moral understanding. Cultural binaries ultimately divide along the good and the bad, the “sacred” and the “profane” (Carrier and Lamont 1994; Douglas 1966; Edgell et al. 2006). The process of assigning meaning and ultimately the category of “profane” is a contested and critical one. The process of clarifying concepts of “evil” and “profane” undergird social processing and make punishment possible—scandals are one very public, high profile example of a community enacting this dramatic social ritual of punishment and purification (J. Alexander 2003). It is also, ironically, this process of clarifying evil that also serves to undergird concepts of good (Alexander 2003, 110).

This general understanding of society lies at the heart of core criminological theories as well.

Our concepts of what types of crime exist and what types of actions fit those categories has dramatically shifted over history, even up to and including “violence” (Best 2016). Further, the ideas people believe about crime are socially constructed and highly independent of “reality” (Kappeler and Potter 2018).

At a smaller scale, labeling theories focus on how individuals come to be labeled as deviant, the various, impacts of these labels, and the relationship of labels to actual crime.

Becker's seminal work on deviance, *Outsiders*, explored the multiple possible relationships a person could have to deviance and the power of the label once applied. Ultimately, he shows how the label of "deviant" comes to apply to a person and overpower other statuses in social life (Becker 1963). Expanding further, Becker himself described how he built his labeling theory from Everett Hughes. Hughes worked on "auxiliary status characteristics" and was particularly interested in the intersection of race and profession. He developed the idea of master status-determining traits, and how these statuses can overpower less "important" statuses (Becker 2020, 130).

In short, all social life exists in a web of meanings that ultimately hold moral assignments. Socially significant events are debated socially and contextualized. This is true of crime and criminality—perhaps even more so than "non-criminal" activity. Social life is built on the compulsion for a society to understand events relative to others, assigning value. In social theory, these meanings are generally treated as tethered to empirical events.

In West Memphis, the sensational nature of events and the near absence of physical evidence essentially allowed for narratives to be developed without many tethers. What the community did have was a few well-placed members who were very committed believers in a larger narrative dominating broader culture. This satanic narrative, while deeply disturbing, also offered an answer that made a certain sort of sense. Who would murder and mutilate three children? Surely, no average citizen living in a suburb. It must be someone truly evil. Believing in a secret satanic cult at least kept the moral world of West Memphis intact. It was, in essence, an answer that made sense to most people.

The challenge, then, was *not* to find out why someone would do such a thing. They had already decided. It was to find the satanists.

Chapter Five: The Power of Tacit Aesthetic Knowledge

Up until now, I've explored how, when, and why the Satanic Panic narrative emerged in the West Memphis Three investigation. In particular, I've suggested that the spiraling state of moral panic in the face of monstrous evil, fueled by media interest and community anxiety, necessitated a monstrous criminal.

But the narrative did not simply develop and then fizzle out. Instead, the West Memphis Police arrested three teenagers. These teenagers were eventually convicted. Damien Echols was sentenced to death. We thus arrive at the central question: How and why did law enforcement and prosecutors tie this narrative to Damien Echols, Jason Baldwin, and Jessie Miskelley? I break slightly from my chronological approach to favor an investigative logic, proceeding backwards from the arrest of the three teens. I first examine the immediate media coverage of the arrest, noting that it aggressively paints Damien Echols specifically as a disturbed outsider that was likely Satanist. This is done aesthetically with very specific imagery.

I then turn to the technical reason for the three teenagers' arrest, the confession of Jessie Miskelley. I examine this confession in detail, exploring the ways it was clearly leading and evidenced strong pre-existing ideas about Damien in particular. Pushing further back in time, I further demonstrate that the reason for the focus on Damien was not accidental. Law

enforcement in West Memphis has a clear history of pursuing Damien over several years, long before the murders, based on beliefs he was in a cult.

I thus then turn to the question of *why* law enforcement was so convinced Damien was a Satanist. I examine this through an interview with the parole officer who pursued him so intently, as well as through items law enforcement entered into evidence regarding satanism. Finally, I then turn to the actual arguments pursued in court and the logic of the jury behind the scenes.

Ultimately, the police, prosecution, and jury were all convinced of Damien's Satanism on aesthetic grounds—his music choices, his clothing his poetry, his general demeanor. This proved sufficient to overlook a complete lack of evidence because the community was strongly convinced, as previously demonstrated in chapter one, that the murders must have been committed by a satanic cult. In other words, the Satanic Panic narrative was tethered to specific individuals through tacit aesthetic knowledge that demonstrated that Damien, Jason, and Jessie were Satanists. By extension, they were the obvious culprits in the context of a morally panicked town convinced Satanists were responsible for horrific crime.

The Arrest

Jessie Miskelley, Michael Wayne (Damien) Echols, and Jason Baldwin were arrested on the evening of 3 June 1993. The arraignment on 5 June, was almost exactly one month after the three younger boys went missing. As might be imagined, the event was a community and media field day of epic, twisted proportions.²³

²³ Descriptions are highly consistent—over 200 community members waited outside the court room for the three teenagers to arrive. They also speak to the depth of the moral panic that fueled the hysteria. The crowds, essentially a mob, were heard shouting “Shoot him!” and “Burn in Hell!” (Staff 1993b; Thomas 1993). One of the boys’ fathers had to be forcibly removed from the court room:

“I’ll chase you all the way to hell,” screamed the father of one of three schoolboys slain last month in West Memphis as he tried desperately to attack his son’s accused killer Friday.” (Press 1993d; Thomas 1993).

Another parent had a similar warning:

A lack of evidence would continue as a core theme of the West Memphis Three trial.²⁴ And yet, the three teenagers would eventually be found guilty. So how did police and prosecutors connect the murders to Jessie, Damien, and Jason? How did they connect the satanic cult narrative?

Local law enforcement had long previously been convinced of a few critical narrative pieces: 1) Satanists were infiltrating decent American society in the ways described in tabloid media, 2) Damien was a Satanist despite what he claimed, and 3) Jessie and Jason were themselves known associates of Damien and as a result likely Satanists. The most critical lynch pin in the logic behind the West Memphis Three murder trial was therefore the firm belief that Damien was a Satanist. And the unfortunate reality for the West Memphis Three is that the work to connect them to Satanism and ultimately the murders was well underway *before* any arrests were made.

In other words, West Memphis was in a moral panic. The legal trial was more than just a trial. It was the act of socially constructing a new symbolic universe via legal trial. And as is true in social construction more generally, preexisting and shared narratives hold more power than less common or individual beliefs. The Satanic Panic narrative was obviously not universally held. But it was held by several well placed actors and a long established mutual language between law enforcement professionals in West Memphis and the media broadly.

"From his seat in the gallery, 36-year-old Mark Byers, Christopher's father, stared at them and silently mouthed "animal, animal, animal," until a sheriff's deputy told him to stop." (Hart 1993a, 1993b).

Here again we see the symbolic need at hand: those who would commit such a crime were *animals*.

²⁴ Ironically, while the mob raged against the three teens, the autopsy was finally released on the same day. It found that the three young boys had died from blows to the head. Less acknowledged amid the mob chaos—it also noted no evidence of sexual assault (Jefferson 1993b; Press 1993d).

In the first days after arrest, the news media worked feverishly to establish the narrative framework around Damien, Jason, and Jessie. This largely had to do with external judgments and aesthetic assessments of Damien in particular—even after the arrest, outsiders were surprised to hear Jason and Jessie may have been involved. Eventually, it was revealed that Jessie had confessed and implicated all three of them. But the interview transcripts raise serious doubts and make clear the police were convinced of the teens’ guilt before the interview took place.

Indeed, the reason Jessie had been interviewed in the first place was embedded in a long-running narrative about Damien and the occult doggedly pursued by a juvenile detention officer. To clarify the connection law enforcement saw between Damien and Satanism, I reviewed an interview with Driver as well as several documents on Satanism entered evidence by the prosecution establishing the “warning signs” of Satanism.

The West Memphis community—including law enforcement and religious officials—were deeply convinced that such a horrible crime could only have been committed by satanic cultists. But their conviction was not at all connected to concrete physical evidence or traditional “logic”. Instead, it was rooted in a deeply reflexive, implicit knowledge about the sensory aesthetic nature of evil. They “knew” what evil looked like abstractly. They deployed this tacit aesthetic knowledge to prove and justify the only narrative that seemed to hold their symbolic universe together. As far as anyone could tell, Damien Echols was the only one that fit the demands of such tacit aesthetic knowledge.

Constructing Legal Judgment

News media developed a very potent narrative about the three teenagers in question in a short period of time leading up to the trial. By the time pre-trial started, the “role” the three teens allegedly played was surprisingly fine-tuned and quite set in stone.

As described in the previous chapter, the foundational narrative was primed before arrests were even made. In essence, three young boys had been abused, sexually assaulted and mutilated, and murdered. Only six days after the bodies were discovered, it was rumored that it may have been cult related (Press 1993b). This narrative gained steam rapidly.

Less than 24 hours after the arraignment, news media began the narrative work of connecting the three boys to cult activity. On 6 May, the AP ran an article that became central to this narrative effectively “establishing” the cult connection (it was reprinted the same day in the New York Times). Following the arrest, “police officials would not discuss a motive, the condition of the bodies, or any possible tie to the occult” (Press 1993c). The article gradually builds. Baldwin and Miskelley are described as ordinary and kind. However, one classmate does note that while Baldwin mostly “kept to himself”, he did socialize with Echols and Miskelley who were described as high school dropouts. The article then illustrates what would become central to the narrative:

“They were fond of drawing pentagrams, skulls and snakes on art materials, and they once arrived at a football game decked in black with black tears painted on their faces... ‘Everybody assumed that they were going to end up in jail or something sooner or later’” (Press 1993c).

The article then turns to largely focusing on Echols—presumably because Miskelley and Baldwin do not fit the central descriptions as neatly. The article mentions his nickname is Damien but doesn’t explain. Doing so was likely intended to implicitly connect “Damien” with the “cult” mentioned in the next sentence. In what would become a trend, articles would note his nickname without an explanation. Damien is the name of the antichrist in the popular horror movie “The Omen”. Unfortunately, it is also the name of a Saint, and was the Christian name given to Damien Echols at his baptism for this exact reason.

The piece observes that Damien was an “introspective loner who always wore black and never smiled”. And, like many articles in the era of tabloid media, quoted many dubiously authoritative sources. For example, it quotes a substitute teacher at the high school who said Echols was “like some wacko cult member. He’ll pull you in” and Echols’ onetime coworker at restaurant who said he was “real weird”. It ends ominously and unambiguously, with the local Baptist pastor mentioning he wished they tried hard to reach him. Not mentioned—or perhaps unknown to the media—was the fact the same pastor was one major “tip” about cult activity in West Memphis that directly pegged Damien Echols in the first place.

The same day, the AP ran another article specifically focused on Damien. The headline ran “Murder Suspect linked to Satanism”. The article described a wide range of details that serve the narrative purpose of validating the belief that Damien was a Satanist. Some are certainly odd. Others are, in hindsight, laughable.

It opened bluntly, “Michael Wayne Echols carried a cat's skull, wrote satanic poems, and called himself "Damien," acquaintances said, and he once told a minister he worshiped the devil” (Press 1993h). Again, the AP failed to note *why* “Damien” was called Damien.

The minister mentioned, Rick McKinney, told the reporter that he spent hours trying to convert Echols:

"I tried every approach I knew to win Echols to the Lord that night, but he told me there was no way he could be saved, his soul had already been committed" to the devil, McKinney said. "He said he had made a pact and would go to hell."
The article treats this as potential evidence. In hindsight, it sounds very much like an irritated teen sick of being proselytized who resorted to sarcasm. It would certainly not be the first time.

The article also cites two further dubious sources. A local high school student told reporters: "He just scares me talking about him' and that Echols was “serious youth who seemed

obsessed.” It also referenced another teen’s mom, who “said Echols... frightened her. She said he once told her that he was a devil worshiper and displayed several satanic poems he had written. She said she forbid her 13-year-old daughter, Jennifer, to have contact with Echols last year” (Press 1993h).

The article finally went on to describe Damien’s home:

“Cats of all colors and sizes crept throughout the debris Friday at the dilapidated, garbage-strewn mobile home where Echols lived with his girlfriend north of West Memphis. Echols' knee-high, black boots were in the bedroom. On one window was a framed case for a compact disc titled "Grim Reaper." Strewn across the floor were cassette tapes of heavy-metal artists Alice Cooper and Guns N' Roses.”

In other words: Damien’s home was dirty and in disrepair. From an empirical perspective, one might wonder as to the function this description served. If it’s merely to provide a narrative context, it’s certainly not a favorable one. Indeed, the text seems to implicitly be sketching out the *moral nature* of Damien through aesthetic and sensory cues. Remember, this article is attempting to substantiate the idea that Damien is a potentially murderous Satanist. The home is literally and metaphorically dirty, playing on the deepest cultural binaries (Douglas 1966). It also plays on his poverty as it examines his moral worth, tying neatly into the Perversity Thesis at the heart of neocapitalism (Hirschman 1991). And he lives with his girlfriend, unmarried. He is, in essence, the opposite of classic puritan values. But he also wears tall black boots and listened music readers were meant to see as troubling.

In sum, the article listed rumors he may be Satanic. As evidence, they quoted a community leader who previously made this accusation, two people dubiously connected to Damien, and described his living conditions, poetry, and music tastes.

Damien is thus immediately portrayed as a teen who resisted converting to Christianity, wears all black, is serious, obsessive, and doesn’t smile. He is also a high school dropout who lives in a trailer, writes “satanic” poetry, and listens to hard rock music. He is sexually impure

and presumably lazy. In other words, to the people of the town, Damien *seems* like how they imagine a satanist to be. Virtually no evidence presented in the article “demonstrating” Damien’s ties to satanism do that. Indeed, he and both other boys deny they are satanists. Instead, they gesture to uninterrogated aesthetic judgments—about how he looks and about his tastes.

It is worth explicitly highlighting that in this context, the community understanding of Satanism also deploys other demographic biases. Damien’s poverty, religious and moral identity, and physical appearance all fit neatly within social biases about class, religion, and gender. In that way, while each of these biases does not sufficiently answer the moral demand of such monstrous crimes, they do each converge to buttress a more complex narrative. The Satanic Panic narrative draws on complex layers of demographic bias.

Revealingly, the author also makes note of a slight hiccup in the effort to connect the teens to Satanism:

“As word of the arrests Thursday spread through this blue-collar community of 28,000, acquaintances of the accused trio said they were shocked at possible involvement by Baldwin and Misskelley. Both were described as basically good kids. But schoolmates and neighbors said Echols had a dark side that people feared.”

Only Damien struck people as being the “type”. This explains why virtually all narrative efforts are spent explaining how Damian *might* be a satanist. The logic then, would simply require that they show the two other boys were connected to him. His aesthetic emanation of evil would have to be sufficient to taint all three.

As an indication of the power of the satanic narrative, a noteworthy reprint of the same AP article in Bloomington was re-headlined to simply describe Damien as a “Devil Worshiper” and say it was “No Surprise” he was involved (Press 1993e). It was also reprinted across the country. I was able to find four further copies in Baltimore, Orlando, Las Vegas, and San

Antonio (Press 1993j, 1993i; Staff 1993d, 1993e). A shortened version also circulated, with more focus on the youth pastor's story about Damien having made a pact with the devil(Press 1993a).

In one day following the arraignment, articles have run nationwide describing Damien as a satanist and devil worshiper. The evidence consisted of essentially three things: his appearance and aesthetic preferences, his living conditions, and people around town who claimed he would be the type.

The Interview

Presumably, even police displaying a concerning level of investigative prowess did not arrest three minors for capital murder charges because locals felt Damien seemed creepy and didn't care for his music tastes. And even if they had, this information was long available to police. What changed on 3 of June that led to the arrest?

On 8 June, reports began to circulate that Jessie Miskelley had in fact confessed to the police and that this confession claimed it was cult related (Staff 1993a, 1993e). These reports believed that the confession included statements about killing dogs, same-sex orgies, and more (Staff 1993a, 1993e).

This was technically true—Jessie Miskelley gave a detailed confession implicating himself, Damien, and Jason. But, as with everything in this case, a closer look reveals substantial complication. The interview in question was highly problematic.

The Hon. Dan Stidham, Jessie's defense attorney at the time, reviewed several troubling aspects of the interview in a later article on the case (Stidham et al. 2012). Jessie Miskelley, Jr. was a minor at the time. He was at the police station willingly after the police had offered Jessie's father \$50,000 if his son could help them find the killer. Arkansas law at the time required a parent to give signed consent. This was not obtained. A wide variety of disturbing

techniques were deployed over a *full day* of interviewing. Jessie was administered a polygraph, which he was then told he failed before his interview. Review of his polygraph results later revealed he had passed his polygraph and officers had lied to him. Finally, and perhaps most disturbingly, a post-conviction psychologist found Miskelley to be below a “functioning intelligence” and he was classified as legally mentally retarded. Similarly, a later academic analysis of the confession found that his speech patterns did not demonstrate guilt as he lacked any actually new information not provided by the police and was unusually pliant (Hill 2003).

These facts largely came to light at the many appeals battles later fought. Indeed, the legal value of Jessie Miskelley’s confession are one of the most central questions to the overarching battle over the Three’s criminality. The Arkansas Supreme Court, in its rejection of the appeal, identified that the confession was the *only* legal evidence offered in Miskelley’s trial:

“The statements were the strongest evidence offered against the appellant at trial. In fact, they were virtually the only evidence, all other testimony and exhibits serving primarily as corroboration”(V.State 1996).

The complicated—and highly political reasons—the ruling originally stood are beside the scope of this examination. But understanding the nature of what has been explicitly acknowledged as the only piece of evidence against Miskelley is central to demonstrating the power of tacit aesthetic cues in the proceedings. Indeed, if the interview proved to be truly substantial, it would raise questions about the actual power of these aesthetic judgments. As it is, virtually none of the interview withstands rigorous scrutiny. For more information, please review *Appendix: The Jessie Miskelley Interview*.

For our purposes, the most important point is that a dogged focus clearly predated such an interview. Police *knew* who was guilty and they gained this knowledge *before* they gained any evidence. We have already discussed how West Memphis and the police came to be convinced a

satanic cult in general was responsible. This interview makes it clear they already had also become convinced three specific teenagers were responsible. Why?

Making Monsters

The story of how Damien, Jason, and Jessie came to be on the police “cultist” radar is surprisingly long and far predates the murder of the three boys. It has been thoroughly documented by journalist Mara Leveritt in her book *Devil’s Knot*. I will briefly summarize here with emphasis on relevant points to our concern. In short, it’s a story of a minor-offending teen with virtually no resources suffering from depression being pursued by a juvenile officer acting well outside his jurisdiction.

Damien first met Jerry Driver in May a year before the murders, when Damien’s girlfriend’s parents called police. Allegedly, Deanna had started seeing a new boy and Damien threatened him. The parents also claimed Damien was trying to get Deanna to participate in black magic (Leveritt 2002, 41). As with every romantic comedy cliché, the teens didn’t listen to the angry adults. The two were arrested a week later after breaking into an abandoned mobile home to have sex (State v. Echols Casefile, 003430 Crittenden County arrest report of Damien on May 19, 1992).²⁵ Upon arrest, juvenile officers asked permission to search Damien’s room and his mother agreed. They took notebooks of his drawings and writings, which were never returned (Leveritt 2002, 43). The prosecutor that filed charges, Fogelman, would be the same to charge him a year later in the murders. In spite of records showing Damien was well regarded by juvenile detention staff, while Damien was at the detention facility, a rumor circulated that Damien and Deanna were planning to have a baby and sacrifice it to Satan (Leveritt 2002, 43). This was evidently too much for Jerry Driver, who then had Damien. Checked into a psychiatric ward in Little Rock. In a theme that would stay consistent throughout the various trials,

²⁵ Of note, Jason Baldwin was also with them. So this was also when Jerry Driver first associated the two teens.

Damien's psychiatric evals made clear he was not a danger to others, suffered from depression, and was not a satanist but a witch (Leveritt 2002, 45).

After he was released in July 1992, Damien and his parents moved to Aloha, Oregon. In her coverage of the case, Leveritt cites a report filed by Calvin Downey, a Juvenile Department counselor, Washington County, Oregon; August 14, 1992 (Leveritt 2002, 46). Evidently, Driver called juvenile authorities in Oregon to ask them to watch Damien. Driver informed Downey that Damien said he was a satanist, had been in psychiatric hospital, threatened to kill his girlfriend's parents, had wanted to sacrifice his baby to Satan, and that authorities in Arkansas believed his parents were also involved. The counselor checked in on him and noted that Damien denied he ever threatened Deanna's parents and was upset understandably at this intrusion by Driver. Also, noteworthy, "Damien acknowledges he is a witch, and indicates this is. His religious preference. He also distinguishes his religious beliefs from Satanism, indicating he believes in a series of gods and goddesses, and sees this as his religious preference, which should not be of concern to state authorities" (Leveritt 2002, 47). He is most certainly correct.

Damien did have some sort of mental health episode, evidently threatening his father. He was then checked into St. Vincent's Hospital in Oregon on suicide watch (State v. Echols Casefile, 004562, Damien intake form at St. Vincent's, Washington County, OR). Damien eventually decided he wanted to move back to Oregon. This move was ultimately approved by Oregon authorities and pre-coordinated with Arkansas. But on his return, Fogelman filed a petition to have his probation revoked saying he had violated the terms (Fogelman conveniently did not mention he had already known about this transfer via Oregon and that everything had technically been handled correctly) (Leveritt 2002a).

It is important to note here that a fourth major demographic bias rears its head here. Damien clearly struggles with mental health issues. While it seems officials he dealt with in Oregon recognized this and attempted to appropriately treat Damien, it is equally clear Jerry Driver instead interpreted the signs of mental illness in a highly stigmatizing and biased way. Local law enforcement in Arkansas saw Damien's behavior not as a sign of medical condition, but insidious moral failing.

All of this makes a straightforward point. Jerry Driver (and Fogelman) believed Damien was a delinquent and a murderous Satanist a full year before the three boys were murdered. Their conviction bordered on obsession and harassment.²⁶ *Why* they were so convinced Damien was a Satanist is critical.

Their logic was built on how Satanism was understood in the wider panic. Recall that at the height of the Satanic Panic, news networks broadcast PSAs offering "helpful" information about the Satanic cult risk and how to see the signs. These cults were simply asserted as real in the news (even as the FBI made clear they found no evidence to that effect). 20/20 suggested a link between devil worship, rock music, and movies featuring the devil (Kunhardt and Wooden 1985). They also used *Rosemary's Baby* to suggest a role for sacrificing babies. This was further cemented by Rivera, when he asserted there were in fact millions of members in an underground network (Rivera 1988). To the warnings about rock music and horror movies, Rivera added the use of slang as a warning sign teenagers may be slipping into Satanism. In these overarching narratives, it was consistently asserted the cult members participated in orgies and blood consumption. And, given the huge number of criminal trials in alleging Ritual Satanic Abuse, the

²⁶ Indeed, I'm relatively certain if Damien had been from a wealthy family the police would have been buried under a mountain of harassment lawsuits long before the three boys were ever murdered.

narrative had a strong emphasis on children and their sexual abuse. Indeed, if your child was being sexually abused it was almost certainly by a satanist.

These views were directly injected into the West Memphis Police by Jerry Driver. His episode with Damien and Deanna was evidently the spur Jerry Driver needed to advocate for raising awareness about Satanism in West Memphis. After checking Damien into the psychiatric ward in Little Rock, he brought in the “consultant” mentioned in chapter one, Steve Nawojczyk (Demirel 2014).

Driver specifically saw core Satanist “traits” in Damien, which he himself described for an interview that was entered into evidence and featured heavily in the trial itself. In it, Detective Bill Durham interviewed Jerry Driver about his history with Damien. He initially describes their first encounter when Damien was arrested for sexual misconduct in the empty trailer. Evidently, at some point during his questioning, Damien indicated he was involved in “the occult”. Driver does clarify that Echols “said to both of us that um, he was involved in the occult, but not uh, not as a devil worshiper as such, he said he was a gray witch. And that he had a group of people that uh, participated in this with him and that his main um participant was a boy named Jason Baldwin”.

The interview is interesting for two key reasons beyond its function as evidence. The first major reason this interview is interesting is because of what it reveals about the depth of understanding in terms of satanic activity. In the same interview where Echols explicitly states he is a “grey witch” or Wiccan, then they proceed to ask them about the extent of cult activities in West Memphis. It’s here Damien begins to escalate his statements.

“He told us that it was fairly extensive, that there was 3 or 4 groups in West Memphis itself. They were further uh, along in their activities then he may or may not have been and by that uh, he said that he meant, uh that they had reached the end of their animal

sacrifice uh portion uh to received power and that the next logical step would be the sacrifice of a human.”

In case it's tempting to take this at face value, Driver continues describing what Damien informed him about.

“Damien always said he was into the occult, just used to always denied being a devil worshiper, always said he knew who did it, he knew, he told me at one time, that he knew of a uh, of a book here in West Memphis called the *Necronomicon* I think it is, and he didn't mean the one you could buy off the shelf this was a old one, uh that had been passed down for generations so what he was telling me was that he thought he was saying there was a generational Satanist here in town.”

The *Necronomicon* is not a random book title. It's also not a real book. In fact, the name was first used by HP Lovecraft before appearing in all the “Evil Dead” movies. Anyone with a passing pop horror vocabulary would have likely been aware. It's also at that moment that, from an outside perspective, Damien's remarks become less about providing information to the police and more about being snarky and condescending to a community who consistently refused to understand his religious preference. In other words, Damien's admission of occult activity should be treated with great skepticism.

Further, I want to highlight the place of witchcraft in this trial. Given the history of the persecution of witchcraft in the Western World it is immediately notable. What is interested here is how witchcraft is subsumed into the Satanic narrative. Witchcraft was often associated with Satan in Medieval times almost incidentally and it was witchcraft itself that was punishable by death. As a result, the witch trials focused more on proving individuals were witches. Here, Damien repeatedly acknowledges he considers himself a witch. But witchcraft in and of itself is not treated as a threat in the modern era. Instead, it is seen as a sort of sub-category that local officials collapsed into Satanism. Thus, in the West Memphis Three trials, witchcraft functions more as another narrative component that buttresses the tacit knowledge at play—that Damien was a Satanist.

Second, at various points, Driver is quite descriptive of markers he believes identifies cultists. Early, Driver indicates Echols told them to expect new arrivals to the cult. He relays,

“We did have I think about 7 kids showed up down at West Memphis PD. Who had all the earmarks of it, with the tattoos, and the devil rings and this and the other. But it turns out they probably weren't the same ones.”

At another point, Driver was asked about Jessie Miskelley.

Durham: Did [Jessie] ever make mention of being involved in the occult or describe it or whatever?

Driver: He always denied it uh, but he always said he knew about it, um and he was always very evasive when we talked to him about it that, Jessie the main reasons we would see Jessie was violence and criminal mischief complaints, he would be involved in breaking things, tearing things up, hitting someone, uh I think several occasions where he. . ., he hit girls and would get in difficulty over that um, the ladder **just before his appearance changed considerably, that spike hair and stuff that you all saw, we hadn't seen until maybe a month of 2 before all this happened. The kid's attitude and his. ., his demeanor probably turned around over maybe a 3 month period from out supervision that uh, he looked like a different guy, he looked like a different guy**

In both cases, the key factor in Driver's assessment is individuals' appearances as someone he perceives as satanic. He specifically identifies tattoos and “devil rings” as earmarks. And in Jessie's case, notes his appearance changed so that he now had spiked hair and “looked like a different guy”. Damien and Jessie both specifically indicated they were not satanic or cultists. Damien indicated he was Wiccan. Jessie even denied this. And yet, evidently, this was not enough for Driver who had aesthetically assessed them.

Another moment in the interview illustrates Driver's conviction on this point. Driver mentioned that Damien had converted to Catholicism. Driver decided to visit his priest.

I asked him... if he remembered Damien, he did he said that Damien came to church I think he had came that previous um, that winter or fall and had professed a great interest in the Catholic religion and um had converted and had his name changed um, and then had quit coming and he related to me that right after he quit coming someone tried to broke into the sacristy and he had always wondered if. . ., if he had anything to do with it, **of course that's one of the things that those guys do that's kinda modus operandi, their go to the Catholic church and find out as much as they can, break in to the sacristy, steal the host and the lunette and that's how some of them operation that's to say, that's not to say he did that, but that would no be out of character with the things that they do.** Uh, Damien always uh, and every time I ever talked to him, um,

said he knew who the other people were, that were involved in it serious, never denied that he didn't know what was going on, he just said it's not him. Apparently, “those guys” (satanists) make a habit of visiting Catholic Churches to scope them out and steal the Eucharistic bread. Driver has no evidence of this of course. And he himself even acknowledges he doesn't know it was Damien. All he knew was that this is the sort of thing a satanist would do, and by extension would be in “character” for Damien. Even as Damien explicitly denies satanism or knowledge thereof.

At the risk of overemphasizing the point, Jerry Driver's interview demonstrates again a sort of circular logic connecting Damien to satanism, including a variety of vague ideas about what a satanist would do. More concretely, Driver mentions some external indicators of satanism from his perspective—tattoos, devil rings, spiked hair. In other words, Driver has an archetype in his mind. This archetypal satanist is both vague enough to be applied broadly and specific enough that concrete anchors are available.

This logic was also the exact sort of logic that was dominating large swathes of the public discourse. In other words, it was exactly the popular cultural image of satanism widely circulating at the time. Driver had most certainly seen tabloid news coverage on the occult. And, as evidenced by his invitation to Steve Nawojczyk, he had some connection to the larger network of so-called experts in the occult.

Driver harbored this narrative for a full year before the murders, almost immediately applying it to the case. As mentioned in the previous chapter, Steve Jones, an employee of Driver, spoke with a police officer named Sudbury *the day after the murders*. This officer, who was not even assigned to the case, took it upon himself to visit Damien to that end. He took the following notes:

May 1993 Undated Sudbury Interview notes from visit to Damien:

On the day after the bodies of the three boys were found I had a conversation with Steve Jones, a Juvenile Officer for Crittenden County, Arkansas. In our conversation I found that Steve and I **shared the same opinion that the murders appeared to have overtones of a cult sacrifice.**

During our conversation Steve mentioned that **of all the people known by him to be involved in cult type activities one person stood out in his mind, that in his opinion, was capable of being involved in this type of crime. That person was Damien Echols.** Steve stated that Damien lived at 2706 South Grove in Broadway Trailer park in West Memphis, Arkansas. On this day, the day after the bodies were found, I asked Steve if he would meet me at Damien's residence in order to interview Damien.

In fact the day after the bodies were discovered I went to 2706 South Grove and meet with Steve Jones whereas we talked to Pamela and Eddie Hutcheson the mother and step-father of Damien. Neither Pamela or Eddie objected to our talking to Damien. On this day, with Pamela and Eddie's permission, **we talked to Damien in his bed room and on this day I took a Polaroid of Damien Echols. At this time I observed Damien to have a tattoo on his chest of a five pointed star or pentagram and as best I remember one other tattoo on his shoulder or arm. I am unsure of the nature of this tattoo.**

[signed] Lt. James Sudbury (State v. Echols Casefile)

First, note the officer's acknowledgement he believed the murders were cult sacrifice essentially immediately after the bodies were discovered. This was, he says, due to their "overtones". In other words, Sudbury believed certain elements fit narratives he had previously accepted about cults. Certain affective, tacit elements served to inform him. Second, note the direct role played here by the juvenile officers previously connected to Damien (who again were not actually law enforcement). Third, these notes demonstrate that the narrative about Damien had been used to tie Damien to the crimes immediately, even without evidence and (eventually) a total lack of DNA. In other words, the explanation that ended up sticking was one many officers had already decided on. Finally, Sudbury mentions tattoos. It is generally noteworthy that tattoos have been referenced as some sort of aesthetic marker signifying potentially worrisome character. In this case, more pressingly, Damien has a tattoo of a pentagram. In modern popular culture, this symbol is quite regularly treated as a demonic symbol. In that sense, it is unsurprising that an uninformed individual may find it disturbing. Indeed, it's quite possible that a frustrated teen acting in rebellion did in fact intend the symbol to be disturbing. That said, even a brief

investigation would reveal said symbol has an extremely long and complicated history that is largely symbolically positive aside from modern horror films.²⁷

One final source provides information about how the West Memphis Police and the courts imagined satanism. Police and prosecutors entered a huge number of “expert” documents into evidence about satanism and the occult. These give us insight into the larger framework they operated within as they became convinced of Damien’s cult activity. This is included documents provided by Steve Nawojczyk, the consult who lectured on Satanism and Daniel Kiethly, another Arkansas local who lectured around Arkansas about Satanism (including on another cold case)²⁸. These documents range wildly in terms of complexity and professionalism, with some simply being notes from concerned individuals and others being entire books. Collectively, they paint a picture of Satanism the police and prosecution took as authoritative. It would be impossible to engage each piece, but I’ve included a few here to offer a representative sample.

One document, titled “Occult Symbols 666”, reviews a wide range of icons and their alleged meanings (State v. Echols Casefile, 001591). The document offers no evidence or citations. Rather, it simply provides a few sentences for each image in a sort of “reference guide” format. The pentagram, it claims, symbolizes Lucifer Morningstar. Ankh is evidently a fertility symbol: “Practicers (sic) of witchcraft that devise sexual abuse wear the ankh with a star.”

Most symbols, however, are framed as indicators of an individual’s “allegiance” and a rejection of Jesus Christ. Amusing in hindsight, the signs of the zodiac are described as symbols the practitioners are “acknowledging their god as *Baal*, or Lucifer.” The upside down cross, “symbolizes the mockery and rejection of the cross of Christ. Upside down cross necklaces are

²⁷ <https://www.britannica.com/topic/pentagram>

²⁸ https://www.thedailycitizen.com/34-years-no-answers-cold-case-set-off-satanic-panic-in-johnson-county/article_e27f5dad-5770-5a86-8173-2b13475476a9.html

worn by many satanists. They can be seen on many rock musicians appearing on many heavy metal rock album covers.” Bizarrely, even the peace sign is apparently a “mockery of Christ” and a “rejection of Jesus”. In this, we see yet further evidence of the ways religious bias formed a pillar in the Satanic narrative.

Another large grouping of documents described as “From Hawaii” provide a range of advice for identifying satanic cultists. A Reverend Michael C. Rokos from Maryland provided a variety of materials to this effect. One, titled “Symptoms Characterizing Ritual/Satanic Abuse Not Usually Seen in Sexual Abuse Cases” by Catherine Gould, PhD clinical psychology, described a variety of signs of ritual abuse that arguably are simply typical signs of severe child abuse (State v. Echols Casefile, 006494).

Another listed out traits of adolescents getting involved in satanic activity (State v. Echols Casefile, 006495). Those included a wide range, which I’ve summarized below:

- “Above average intelligence, yet the grades don’t reflect it”
- Low self-esteem
- Products of dysfunctional families
- Victims of abuse
- Self-mutilation
- “Tattoos and jewelry of ritual themes”
- Drugs, alcohol, and heavy metal
- “Experience with fantasy role playing games”
- “Tendency to wear dark colors, often black and red, sometimes with heavy metal band tee shirts”

In other words, signs of teenagers involved in Satanism include a combination of victimization beyond their control, depression, common teenage angst, and aesthetic preferences that might be seen as rebellious. Here again tattoos and jewelry are mentioned, as are heavy metal, role-playing games, and the color black. In that vein, another document identifies this exact impulse, saying, “the satanic cult is the newest and by far the most terrifying version of an old theme—rebellion. In this respect, Satanism replaces the Yippies of the sixties, and the Moonies of the seventies as a vehicle for disgruntled youth to reject their parents’ middle-class lifestyle and materialistic values” (State v. Echols Casefile, 006506). Of course, this is troubling in its own way, as it so casually links Yippies and Moonies with Satanism, revealing its casual assumption of a mainstream, conservative protestant bent. The author also takes for granted the claims that satanism was associated with murder, instead of simply accepting it as a form of rebellion.

Another source provided was a list of signs to attend to in a forensic investigation that could suggest a ritual murder (State v. Echols Casefile, 006511). Essentially all could and have been found in other “mundane” homicides, including “bloodletting”, “parts missing,” and a “body tied up”. Whoever first examined this list also circled these items, likely because all of these were present at the West Memphis Three crime scene. Unfortunately, it seems investigators found these markers compelling.

Finally, a document also catalogued a wide range of items that should be included in a search warrant if investigating ritual abuse (State v. Echols Casefile, 006514). They included:

- Occult games (including tarot cards, Ouija boards, fantasy role playing games)
- Items probably associated with sex (cat o nine tails, ligatures, phallus)
- Ferns, palms
- Graph paper for fantasy games

- Oddly shaped dice used in fantasy games
- Posters of metal or punk rock stars
- Martial art paraphernalia

The Satanic Panic had heavily developed narratives about Satanism and cult conspiracies. These included substantial cues about how to recognize a satanically influenced teenager. No doubt due to the simple reality that there never was a secret cult of satanists torturing and sacrificing children, there were never any concrete proofs to evaluate satanic activity. Instead, all the key “evidence” to that effect was a combination of behaviors typical of other underlying factors (depression, anxiety, general teenage angst, etc.) and aesthetic cues such as attire, hairstyle, tattoos, and music preferences. In other words, the Satanic Panic narrative heavily primed individuals to be on the lookout for external signs and pass aesthetic judgments laden with a robust narrative about the abuse and murder of children and the end times.

This narrative was not just abstract. It was embedded in the people and the investigation in West Memphis. I’ve demonstrated this above with reference to officer interactions with Damien before the murders, two officers’ interviews about Damien including notes from an interview conducted the day after the bodies were discovered, and documents entered into evidence by the police and prosecution. Indeed, some of the authors used as evidence spoke to the West Memphis police nearly a year *before* the murders.

Collectively, this demonstrates police had internalized narratives about satanic cults in a robust way. This happened before the murders. Further, relevant authorities had also already decided based on these aesthetic cues that Damien was himself a Satanist, even as he repeatedly denied these allegations and officials from Oregon indicated they did not find evidence he was a Satanist. Instead, they continuously dismissed this because of a range of his preferences and his

appearance. They then proceeded to argue in court that those aesthetic cues were *factual evidence* of Satanism. From literally the first day, the police already believed they knew everything they needed to know.

This leads to one last critical question. Given Damien and Jesse were tried separately, was anything presented in court beyond aesthetic judgment that connected Damien and Jason to the murders? In short, no. In what has become a common refrain reevaluating the case, not a single shred of evidence was presented that is considered reliable (Peterson 2021).²⁹

In other words, the prosecution presented what was at very best unverified claims and potential correlations. But the bulk of the prosecution's statement did *not* center on this evidence. Instead, it painted a very visceral picture of two people that *seemed like they would be* murderers.

²⁹ Nonetheless, it is worth considering the Prosecution's final statement as it offers what they consider to be the most compelling evidence in their case.²⁹ In terms of concrete evidence, the Prosecution highlights a few key items. Ultimately, it comes down to two testimonies offered and two pieces of physical evidence.

First, the prosecution highlights a testimony from two Children named Jody Medford and Christy VanVickle. These two claims to have overheard Damien Echols walking past the softball field say, "I killed those three boys" and "I'm gonna kill two more before I turn myself in and I've already got one picked out." Statements like this are not usually treated as sufficient evidence for capital murder trials. If anything, they would be treated as corroborating of more compelling evidence (especially since Damien of course denies this ever happened). But it also raises concern given the overall deployment of children throughout the Satanic Panic. I was unable to find information about the questioning these children were subjected to or the way they came to testify. No record was maintained. Indeed, throughout the entire Panic, huge numbers of children were essentially coerced into patently false testimonies. When this tactic was critiqued, proponents of the children's testimony began spreading the "We believe the children" campaign. In essence, it was treated as unthinkable that innocent children would lie about being abused and to suggest otherwise was somehow itself a victimization. Consider how Fogelman framed their own child witnesses: "Now you observed their testimony. Those were two scared kids up here. They didn't wanna be here, they didn't wanna be photographed or filmed. Had no motivation to do anything other than come up here and tell you the truth. Even though they didn't want to. They didn't wanna be here, they didn't wanna be involved in this." In other words, Fogelman highlights two scared children and attempts to deflect skepticism with the circular logic, "Why would they lie?"

The second offered testimony was a statement from a teenager who served time alongside Damien in Juvenile detention. This testimony claimed *Jason* said he had sucked blood from a child's penis. Again, unverifiable testimony typically requires direct supporting evidence. This is especially the case with inmates, who commonly offer unreliable information (Neuschatz, J. S., Jones, N., Wetmore, S. A., & McClung 2012).

This leaves the two pieces of physical evidence. First, the prosecution highlighted they found a serrated knife in a lake near Jason's house. This knife, experts testified, could have caused the injuries noted on the three victims. They also testified that any number of common smaller knives that are serrated could cause such injuries. Further, the knife had no DNA present that matched.

Finally, prosecution referred to evidence presented of cotton and polyester fibers found on the boys that was a match for a shirt found at Damien's home. That said, on cross examination, the expert made clear that the fiber could match any number of common fabrics.²⁹ In an indicator of the actual nature of the prosecution's argument, they also took time to mock the fact that the defense brought an "out of town" expert from Dallas.

Prosecutors referenced Damien's poetry, a piece of evidence they treat as consequential.

In closing remarks, Fogelman tells the jury he wants to re-read a particular poem:

"When I do, think about what Dr. Griffis said about him being confused because you got Wiccan, which is the good, and upside-down crosses which is satanic.

'In the middle. I want to be in the middle, in neither the black nor the white--in neither the wrong nor the right. To stand right on the line. To be able to go to either side with a moment's notice. I've always been in the black, and in the wrong. I tried to get into the white, but I almost destroyed it because the black tried to follow me. This time I won't let it. I will be in the middle.'

That right there tells you Damien Echols. He don't wanna be in the white. He don't wanna be good. He wants to be both, where he can go to the good side or the bad side, however it suits his purpose. If he wants to do bad, let's goes to the satanic side. If he wants to be good, he goes to the Wiccan side. That poem right there tells you about Damien Echols. The prosecution then cites a second poem as evidence of motive. Fogelman reads an excerpt from a poem titled "Sacrifice Addressed to Hecate". We unfortunately do not have the full poem.

"Says in here, I'm not gonna read the whole thing to you. It talks about "a friend and companion of darkness. You who rejoice to see the blood flow. Wandering among the tombs and hours of darkness thirsty for blood, and the terror of mortal men. Look favorably on my sacrifice."

There are several logical problems with using these poems as evidence to sway a jury. For example, the first poem does not appear to say what Fogelman claims it is saying. Second, the lines offered from the second poem have no context. They also could be from a great many equally dark and disturbing works of art produced over the millennia. Indeed, there are many equally disturbing passages about blood sacrifice in the Bible itself.

But the greatest problem is a sort of tacit philosophical position that emerges in his use of the poetry as evidence. Fogelman appears to hold—and share with the jury—a presumption that artistic creations tell us something robust about the artist. Fogelman is *not* just claiming this poem says something about how Damien was feeling when he wrote the poem. Instead, he extrapolates quite a lot including motive. He says as much directly:

No, ladies and gentleman, each item of this, in and of itself, doesn't mean somebody would be motivated to murder--not in and of itself. You look at it together and you get--you begin to see inside Damien Echols. You see inside that person. And you look inside there and there's not a soul in there. Not somebody that could commit this murder. And you see what is really there by his own writings --by his own hand.

But Fogelman does not stop with Damien's poetry. He continues his argument:

Now what shows all this? Anything wrong with wearing black in and of itself? No. Anything wrong with the heavy-metal stuff in and of itself? No. The book of shadows anything wrong with that in and of itself? No. But when you take the all-black, sucking blood, the tattoos--interesting thing about the tattoos, he testified he used a razor blade dipped in ink and tattooed a pentagram on his chest, an Egyptian ankh on his chest, I believe it was a cross on his hand--upside down depending on how you hold your hand. I submit to you it takes a certain degree of skill, and something else, to be able to take a razor blade and dip it in ink and do that to yourself.

Said something interesting here in his testimony. The reason he wore all black, said two things. One, he's real self conscious in about how you looked, and he got a headache. Wore all black all the time didn't matter, he got a headache. Well, if that cause him a headache not to wear black he must have an infernal one right now, cause he hasn't worn black during this entire four weeks of trial. He says he wears it to keep people away. Yet, he wears that black in a big overcoat during the hot part of the summer. Does he keep people away? Or at softball fields, where all his little groupies getting up around him--these young people getting up around him, wanting to see what this guy is all about. Scary, that is what it is, scary.

It is impossible to not acknowledge the argument for what it is: ridiculous and borderline incoherent. But it is also very important, if only because this logic was convincing to a jury (and even defended on appeals). So convincing, in fact, that a death-penalty sentence was delivered and stood for over twenty years.

Fogelman suggests that Damien's poetry tells us something about Damien's soul (or lack thereof). He says in simple terms, "A person that could create that could commit murder." But his argument is broader.

Fogelman suggests that it is not merely a Damien's artistic creations, but also how he dressed, the music he listens to, his tattoos, the alleged sucking blood, all taken together that tell us who Damien is. The answer? Damien is "scary".

Abstracting, the argument is essentially that a person’s aesthetic tastes as evidenced in a variety of examples tell us enough about a person to assert motive and activity. In this approach to taste, there is no divide between social expression, moral value, and behavior. A person would simply not choose to express themselves for any reason other than communicating their truest, deepest self. Damien *must* be bad because he *seems* bad, and he creeps people out.

Was there any concrete evidence to this effect? No. But there didn’t need to be. The tacit logic connecting aesthetic expression and judgment to morality and behavior was so strong it didn’t merit interrogation. It was also seen as strong enough to fill in all the gaps and justify the use of the dubiously valuable “evidence” presented. No, they didn’t have any actual DNA, fingerprints, eyewitness. No, they did not have any direct links to the crimes whatsoever. No, the testimonies they had would not normally be treated as sufficient. Yes, there were potential ways to validate alibis. It didn’t matter. The aesthetic logic fit so perfectly into a larger national hysteria that evidence was almost incidental.

And, perhaps critically, it allowed the town to maintain its bedrock values and sense of morality about themselves and others.

We know the Jury shared this logic for a few reasons. First, they obviously voted guilty. Second, in the *Paradise Lost* documentary series we can see into the jury room thanks to their crew access. The jury worked using a white board, listing the items they believed indicated guilt. I’ve included them below with a column indicating the type of evidence referenced as well as column offering any explanatory notes. Unfortunately, for some, we do not know exactly what the jury was specifically considering.

| Note on White Board | Type | Explanation |
|---------------------|------|-------------|
|---------------------|------|-------------|

| | | |
|--|------------|--|
| “Incriminating testimony too close to facts” | Evidence | This refers to testimony where Damien speculated as to what could have happened. Defenders point out that virtually everything he said had already been reported in papers. |
| “Wax on book, shirt” | Evidence | Wax samples allegedly found on the child and Damien’s book presented by prosecution despite not being provided to defense. It was not a match according to expert witness, but prosecution nonetheless argued that it <i>looked</i> similar. |
| “Fiber match” | Evidence | Already discussed above |
| “Secondary confession- ballfield girls” | Evidence | As described above |
| “Satanic follower- Anton Lavae -Alesister Crowley” (sic) | Evidence | Jury included this item even though it was explicitly stricken from the record by the judge as it was discovered prosecution did not disclose evidence to defense, may have obtained illegally, and incorrectly translated a coded message. They also did not disclose the error until after presenting. |
| “Eat father alive” | Evidence | Appears to refer to Damien’s suicidal episode in Oregon |
| “Carried knives” | Evidence | Appears to just be a general note |
| “Travelled to crime scene 200 times- 2 yrs. Lied.” | Evidence | At some point, Damien claims he had never been to Robin Hood Hills. Later, he backtracks and acknowledges he like most children had been there many times. |
| “Dishonest” | Behavioral | Evidently, the jury believed he seemed dishonest |
| “Manipulative” | Behavioral | The jury also believed he seemed manipulative |

| | | |
|--------------------------|-------------|---|
| “Blew kisses to parents” | Behavioral | In response to audience jeering and threats, Damien blew kisses. |
| “Wierd” (sic) | Behavioral | Unclear |
| “No credible witness” | Speculative | Unclear, though it should be noted this appears to directly contravene “innocent until proven guilty” |
| “Lied during testimony” | Speculative | Presumably, this refers to his testimony which the jury did not believe |
| “Something to gain” | Speculative | Unclear |

Figure 4: Outline of Jury Notes During Deliberation

I want to emphasize a few key points. First, the access of film crews allowed us to see first-hand the impact faulty evidence can have even when stricken from the official record. The consequence of stricken evidence is well documented elsewhere (Stebly, N., Hosch, H., Culhane, S. E., & McWethy 2006). Second, the jury continued the trend of blindly asserting Damien was satanic, explicitly identifying it as evidence against him. He consistently denied this, as did everyone around him, and no actual evidence proved otherwise. Third, and most importantly, four of the items the jury openly treated as valid considerations were *behavioral observations*, most shockingly the fact that the jury found him “wierd” (and misspelled it). More specifically, they were behavioral judgments based on a sort of general aura.

These traits—dishonest, manipulative, weird—are all interpretive descriptors that are clearly matters of opinion. Interestingly, they all map relatively neatly onto what Alexander might describe as core cultural binaries (Alexander 2012a). Here, however, these labels assigning civil vice were not debated in a ritualistic social process involving multiple institutions (although, arguably, this would happen much later). Instead, these traits were treated as self-evident and readily agreed upon.

These traits were essentially impressions of Damien based on observing him during the trial. They were the slightly less articulate version of the prosecution’s argument he seemed

“scary” and like he had no soul, as evidenced by his poetry and attire. This, itself, was an extension of Jerry Driver’s insistence Damien was a Satanist because he had tattoos and wore all black. It reflected Damien’s fellow students’ observations that he was a loner and “creeped” them out.

Beginning with the arrest, there was a traceable unbroken chain of judgment surrounding Damien and his friends. The narrative immediately appeared in media coverage of the arrests. This narrative justified an aggressive and problematic interrogation and explained a deeply held conviction about the three. This conviction itself traced back at least a year prior to the murders. And, finally, the narratives surrounding the three teens were firmly rooted in the local belief in the Satanic Panic narrative as demonstrated by 1) evidence presented in court, 2) the closing arguments of the prosecution, and 3) the Jury’s decision-making process.

Aesthetic Judgment as Evidence

The West Memphis Three murder trial ultimately largely depended on circumstantial evidence and a firm conviction about the beliefs and-- by extension—the character of the three teenagers in question. This conviction was itself openly dependent on assumptions made by law enforcement, the judge, and jury rooted in aesthetic traits.

These traits ultimately reflected something visceral and primitive. An instinctual reaction to the presence of an undesirable potential threat. The sort of sensory feeling one experiences in the presence of danger. And, in that sense, the jury’s position is relatable. Who has not experienced the feeling of unease when speaking to someone who just seemed “off”? *We know* without even realizing we know when a person is failing to follow patterned interactions and stepping outside the bounds of ordained society. Indeed, human beings are primed and socialized into recognizing cues to that effect.

It is, in essence, the same patterned core that fuels children's' body image issues. It's also what drives seemingly progressive individuals to cross the street at night when a person of color approaches. Certain signals are socialized into us as we develop.

That said, this case offers a few different angles from which to consider the role of aesthetic judgment and cultural power in social life. First, this case study pushes even beyond what we commonly consider in terms of social inequality to an even more "elemental" situation. Here, the labelling contest does not involve metaphorically treating someone as impure. Instead, it is a quite literal debate about moral evil and *the source of real evil*. For example, consider the example of the scandal over Hilary Clinton's private email usage (Zurcher 2016). In cultural sociology, we may say there was performative debate about Clinton's emails as suggesting something about her moral traits whereby society ritually enacted purification (Trump attempted to frame her as dishonest in particular). An actor performed an action and society then underwent a process of evaluation and judgment. Instead, in the West Memphis Three case, we have an unthinkable crime with no clear suspect. This crime was evaluated morally. In order to make sense of this moral failing, the community searched for an individual and assumed a link based on narrative requirements with virtually no debate or justification. In other words, the links between actor, behavior, and evaluation are not unidirectional and can be powerfully disconnected.

Second, in cases of social inequality, there is often a veneer of rationality. This can be true in a couple critical ways. First, individuals who defend such distinctions in their behavior may openly believe their judgments are at least at some level tied to reality. For example, it would be no surprise to hear the individual crossing the street quickly reference crime statistics in a bad neighborhood. Second, and more importantly, when sociologists examine such a

behavior, they are likely to contextualize the behavior as essentially an expressive output of a systematic problem. The micro-interaction is incidental. Indeed, such actions are treated as operating in the context of a largely coherent narrative explanation. The passively racist progressive, while behaving perhaps unknowingly, is ultimately understood as having internalized a systematic and developed framework. This framework is itself deeply rational and rooted in economic realities. Thus, the individual behaving as such can be understood rationally even if they do not process their own behavior as such. In the case of the West Memphis Three, such judgment was never rooted in a “rational” reality. Any given piece of “evidence”—such as the pentagram tattoo—fades into irrelevance if scrutinized slightly. The judgment was, by definition, rooted in hysteria. To be clear, I am not saying that typical examples of such judgments are in any way rational. Rather, the judgments at play in the West Memphis Three suggest that rational frameworks of any sort are not necessary to make these judgments powerful. Structural approaches to understanding them—be they material, cultural, etc.—may by nature miss the important reality of embodied belief decoupled from reality. If anything, perhaps it suggests a flaw in how theorists have previously understood stigma.

Third, and perhaps most distinctively, the aesthetic judgment behind the West Memphis three functions as an extreme and purified case study of such judgments because of its context. A criminal trial is perhaps one of the most concretely established places for rational judgment aside from—and maybe beyond—the academy. There are set criteria that dictate the general decorum, the rules of engagement, evidentiary expectations, and outcome expectations. The jury is even—twice in this case—expressly told which evidence to *not* consider. And yet, despite all of this, an entire room of individuals simply could not resist passing aesthetic judgment and openly including it as a legitimate argument. Indeed, there was virtually no attempt to construct a

coherent argument to justify the blind acceptance of the aesthetic judgment. The town just *knew* Damien and the others *must* be Satanists.

But this is ultimately also not meant to be a logical critique of a clearly illogical line of thinking. It is not an attempt to grade a poor term paper. Instead, my aim is simply to contemplate the process by which cultural narratives—incoherent as they may be—come to powerfully express themselves in concrete ways. This process does not require coherent thought or logical justification. Indeed, it is unclear if the actors involved would have even consistently applied the same judgment a second time. But in the case of the West Memphis Three, it instead was just a gut feeling held by a few individuals about Damien Echols that gradually gained dimension over time. It reached a fever pitch with three murders. And a desperate town simply did not need more than aesthetic evidence to validate their feeling.

It is perhaps true that any individual piece of the judgment could be traced back in a rational context. Consider, for example, the framing of Damien's poverty and what it could signify. But none of the actors involved in this process experienced such contextualization. Instead, they saw a Satanist as if it were self-evident.

Ultimately, the outcome of the West Memphis Three murder trial heavily depended on outside evaluation of the three teens' appearance, preferences, and social behaviors. The evaluation of the teens as murderers was rooted in aesthetic judgments at a visceral level, drawing from barely interrogated cues. In plain language, the three teens seemed like Satanists and murderers. And the reason they seemed this way was largely rooted in their artistic tastes and attire.

To those seeking impartial, rational justice, this is undeniably disturbing. But it was also the central role of the teens' artistic tastes that opened the door for what would become a legendary two decades of advocacy.

A Contested Symbolic Universe

Today, the so-called West Memphis Three are free. Or, at least, they are no longer in prison (ITZKOFF 2012). The three signed a highly uncommon "Alford Plea" whereby they were able to assert their innocence while acknowledging the State had enough evidence to maintain a guilty verdict (Team 2022). Its appeal lies mostly in the ability to rapidly get out of prison, even if it can hardly be described as justice. In fact, the story didn't end with their release. As of 2023, a new slew of appeals over evidence have erupted (Bowden 2023).

The gap between Damien's death row conviction and their release was nearly twenty years long with a great deal of legal contention and a slew of technical appeals. The heart of this journey largely centered on popular activism driven by the very pop culture groups used to condemn the three teens as satanists. With the SRA narrative dominating the investigation and ruling, prosecutors depended heavily on "experts" testifying as to the meaning of aesthetic and affective symbols. In the absence of traditional evidence and a reliable burden of proof, justice was diverted and instead depended on non-traditional experts. This reliance had the unintended effect of inviting outside expertise on the meaning of the relevant aesthetic symbols in a way that fueled activism for nearly twenty years. In that sense, both the trial itself and the ensuing activism are symptomatic of the disrupted flow of ideal justice. Setting aside the question of if said activism achieved a just outcome, the mere perceived necessity (and the grounds of the activism itself) reflect a deeply flawed process. It also suggests the deeper social importance of the aesthetic judgments that were passed on the West Memphis Three.

In essence, the ongoing battle for the West Memphis Three followed five core phases. In the face of growing skepticism, Arkansas courts maintained their rulings. Then, the case took on a new dimension with the release of HBO's *Paradise Lost*, the documentary filmed during the trial. This led to a phase of intense Celebrity activism and eventually the development of civil action groups. Finally, under the weight of growing scrutiny, the courts buckled.

Public Skepticism and Defiant Courts

Damien and Jason were convicted on 19 March 1994. The death penalty was recommended for Damien—the presumed ringleader—on the 20th of March. It was only two weeks later, on 7 April 1994, that the Arkansas Times court reporter ran an article highly critical of court proceedings. In hindsight, it should have been seen as a harbinger.

The reporter described Jessie Miskelley's trial as dependent on a statement “construed as a confession”, the second trial as a “travesty” and more generally, observed “A pervasive vagueness that fogged away any collective meaning the trials might have had. Just couldn't get through it or past it; simply impenetrable” (Lancaster 1994). In a powerful and disturbing passage full of insight, Lancaster summarizes his reflections:

About the only thing anyone ever asked me about the trials was whether I thought the defendants were really the murderers. I vacillated on this. Some days I thought yes, sure as the world they did it. But then the doubts would return--the suspicion that these boys were being tried because somebody had to be, and theirs was the misfortune of having been convenient when the plausible leads came to nothing: the serial-killer transient, the psycho trucker, the bloody black guy, the brutal stepdaddy of one of the victims. I never got the sense that the trials were an earnest exploration of the question of whodunit. They were, bottom line, show trials--by people under pressure to "do something"--something tidy and legal-- about a right-here-in-River-City atrocity.

Had these boys been proved guilty beyond a reasonable doubt in this court of law? This one easier to answer, the answer being no. They hadn't been proved guilty. They hadn't been proved anything. When the prosecution rested the state's case, about all it had

proved was (1) that the murders had indeed occurred, and (2) how the victims died. It had proved the deed and the how, but not the who, the why, the where, or even the when. Its who, why where, and when were supposition, guesswork, rumor, and bad courtroom Vaudeville. No motive, opportunity not clearly established, time of death disputed, and not a single shred of tangible evidence linking any of the defendants to the crime. What case?

Mara Leveritt, who eventually would go on to write *Devil's Knot*, interviewed Echols in prison June of that year. In the interview, Damien is clear that he believed his arrest and conviction were based on the "psychological profile of the type of person who might commit such a crime" (Leveritt 1994b). Damien was acutely aware of what made him this type as well—his dress and music tastes. According to Damien, his social status was settled this way well before the trial: I was called a witch long before I considered myself to be one." He says classmates called him "witch" as early as seventh grade, "because of my black clothes, and the things I would read, and because I kept to myself." He proved to be quite reflective and even unsparing of himself:

"When I was in school, I was a complete freak. I wore the stupidest looking clothes," he says. "I wasn't popular with everyone, but everyone knew who I was." As Echols remembers those days, most of the other students were interested in "money, cars, clothes--only in material things. I didn't have anything whatsoever in common with them."

He proclaimed his separateness by wearing black, including a long black overcoat, even in the heat of summer. Asked why, he smiles slightly.

"The main reason is I thought I looked good in black. I just liked it. It was sort of my style." Then the smile wanes and he adds, "I think it was also because I was depressed."

Damien also turned his attention to specific authorities. Discussing Driver, Echols observed, "He's been after me for a long, long time" and that Driver believed "everything that happens in Arkansas is somehow connected with some satanic act... I think he thinks this is some evil thing that's taking over America, and it's his job to put a stop to it." Echoing similar

notes from the trial itself, Echols reiterated that he had tried to explain he was pagan and not satanic to no avail.

Perhaps most critically, the article reflects another early perspective after the trial largely aware of the proceedings' weak points. Within two months of the convictions, articles in the major state paper had critiqued the overall proceedings, the lack of evidence, and very gently suggested locals had convicted a man based on typing, presumptions about character, and ignorance. Attempts would be made over the next two years to press these issues, with very little success.

In April 1995, reports emerged that Echols was being abused in prison. Somewhat disturbingly, these reports label him as "child killer" Damien Echols, as if to dismiss the seriousness of the issue (Perrusquia 1995). When it comes out that he has allegedly been raped and then photographed nude by guards, an investigation is started (Staff 1995). This legal side-drama would continue for over a year until finally officials were ordered to testify in the abuse lawsuit (A. Press 1996; Staff 1996b). Usurpingly, the state agreed to a settlement a week later on 16 May 1996 to avoid forcing officials to testify (T. A. Press 1996).

On 18 July 1996, Echols waived his appeal to the death sentence in favor of pursuing acquittal. Evidently, this was seen as dubiously rational and so the Court was then asked to determine his competency (Press 1995b). On 19 December 1995, Jessie Miskelley's defense team requested a new trial because of the interview rights issues and issues with his polygraph described in Chapter Two (Edition 1995; Press 1995a). As indicated there, the Arkansas Supreme Court would maintain his conviction and allow the interview to be admitted, though they did note it came close to "psychologically overbearing" and explicitly acknowledged it as

the only evidence in the case (Duffy 1996; Lieb 1996; Staff 1996a). Of note, the presiding judge in the case was the same judge from the original case.

This time was also trying for the parents of the murdered boys. In November of 1994, Terry Hobbs was arrested for beating his wife and shooting his brother-in-law. Christopher Byers' stepfather was also arrested for his involvement in encouraging a group of teenagers to fight with knives (Leveritt 1994a). Of course, this can be interpreted in many ways. But at a minimum, it offers a sure glimpse into the enduring power of tragedy.

Paradise Lost

The lack of momentum would not last. In March 1996, HBO began to host early screenings of their long-anticipated documentary of the trial, *Paradise Lost*. Given the somewhat historic nature of allowing film crews into the court room, many had been eagerly waiting the results. It would be a drastic understatement to say the film had an impact. Offering a succinct assessment Leveritt described the impact of the premier:

The film, which premiered at New York's Metropolitan Museum of Modern Art, provoked a wave of concern, in the United States and abroad, centering on the prosecutors' sensational claim that the defendants had killed the children as part of a "satanic" or "occult" ritual. Despite the juries' findings of guilt, many who viewed the film came away thinking that the prosecution had failed to prove the "occult-ritual" theory of motive, and that they had offered no other evidence of guilt (Leveritt 2011, 138).

The documentary, in any context, is striking. Whenever I've shared the film with criminology students, they immediately comment on the intense and recognizable music, something unusual in documentaries of this nature. Lyrics from the Metallica song "Welcome Home (Sanitarium)" were submitted as evidence against Damien to prove his dark side. Metallica in response allowed the use of their music for free in *Paradise Lost*. This was not lost on reviewers, noting the documentary had some of the best music in any documentary and

observing Metallica's slowly solidifying state as one of the most iconic bands of all time (Lawler 2004).

The film itself is bare and minimal. It opens with a shock, showing real imagery of the three boys' bodies and the creek they were found in. The footage appears to be unedited—almost creating the illusion the viewer is simply sitting in. In part, this is due to the reality that film crews were in fact allowed to sit in on proceedings—something unprecedented in a homicide trial. It unfolds in an even, measured pace from the discovery of the bodies to the conviction. The film also notably lacks any “talking heads” offering secondary expert opinions. Instead, it simply shows the various involved actors discussing their experience.

Regardless of directorial intent, the film had a powerful critical effect. The earliest review I found on 26 March 1996, described it as clearly critical of court proceedings and dramatically concluded, “West Memphis *is* hell” (Maslin 1996).

Paradise Lost officially premiered on HBO for subscribers on 10 June 1996. Reviews were overwhelmingly positive. One reviewer said it raised “deep doubts” about the verdict, mirroring the wave of general skepticism the film created (Anderson 1996; Biancolli 1996; Petrakis 1996; Shales 1996; Tallmer 1996). Multiple noted its effective highlighting of the power of stereotypes in a small town (Gorfinkle 1996; Rosenberg 1996). Another built on this, arguing the film was a critique of “presumptuousness, stupidity and prejudice” and that in the film, the Arkansas “criminal justice system [was] found guilty” (Anderson 1996).

Reviews also began to discuss the disconnect between the images conjured in early reporting and the reality on the ground revealed in footage. One review argued the film necessarily showed the footage of the bodies because descriptions in the media had become increasingly inaccurate and horrifying (Gorfinkle 1996). Another review used the space to echo

this sentiment, “When we got down there ourselves, we saw that nothing was as the press had been reporting it” (Caro 1996). The sense, in other words, was that the media had made the West Memphis crimes and trial seem quite different than reality. The case was far from clear-cut and the cult-undertones shockingly absent when seen in the light of day.

In a dark follow up, the *Village Voice* reviewed the documentary and assessed the current state in West Memphis following the trials—as mentioned, several parents of both victims and accused ended up charged with other crimes. Fogelman, the prosecutor, ran for a judgeship and won. He campaigned with a billboard erected over the murder sites. Capturing the essence of how the reviewer felt about the overall case, they described the town as a combination of “ignorance, poverty, and barely controlled bile” (Atkinson 1996).

A similar reflection appeared in the *Austin-American Statesman*, describing the film as an “unremittingly pathetic portrait” of all the people involved (Hornaday 1996). The reviewer also noted the directors initially tried to avoid a stance on the case, but one year later believe the teens deserved another trial. The teens, they say, were tried in logic draped in “pop-satanic accoutrement”. A later review with the director on 9 November 1996 explicitly noted that the directors saw contemporaneous media coverage painting the teens’ families as “trailer trash”. As such, they sought to balance this by portraying both sides of the drama evenly (Andersen 1996). I’ve already discussed this exact issue in chapter five—early reporting paid great attention to Damien’s poverty. Perhaps what is most striking in the film is that it at least attempts to set both the victims’ families and the accused alongside each other narratively, both explaining and reflecting on their experience. Laycock, discussing notable crime documentaries, mentions *Paradise Lost* for exactly this reason—the film “depict(s) radically different crime realities, constructed through opposing accounts. Even as the films expose the uncertainties and fallibility

of justice, individuals are subjected to the worst labels and given the harshest, most irrevocable of punishments, death sentences (Laycock 2015, 135).

Perhaps unsurprisingly, this exact approach also informed the one contemporaneous negative review I was able to find a Florida-based paper. The reviewer felt the documentary gave a negative portrayal of rural southerners (Jicha 1996). While there may be an element of truth to the concern, the same review also clearly believed the Satanism angle was correct.

By 1997, most coverage of the case appears to have shifted to essentially rejecting the ruling (Goddard 1997). One interview with the director of *Paradise Lost* summarized:

At the heart of "Paradise Lost" is an indictment of a community that believes the teenagers were guilty of murder simply because they owned books on witchcraft, dressed in black and listened to Metallica records. "These guys were weird, but there are lots of kids in Greenwich Village who are just as weird and nobody believes they're murderers," says Sinofsky, 40." (Longdsdorf 1997)

The film released internationally in theaters 11 April 1997 which brought with it a further round of reviews and critiques of the trial (Amsden 1997). This included further arguments in favor of reasonable doubt and the spreading view that stereotypes heavily impacted the outcome (Birnie 1997). A Scottish newspaper specifically critiqued the court's views of paganism and their relationship to Satanism (Staff 1998).

Between 1997 and 2000, *Paradise Lost* also became entangled in two lawsuits. In March. Of 1998, the mother of one of the victims-- Pam Hobbs—filed a lawsuit against the filmmakers for their use of graphic footage of the victims (Press 1997). The suit was quickly dismissed, as the footage was already public record (Press 1998). Damien's lawyers also began arguing the defense was hampered by its dependency on HBO funding. Defense lawyers appealed Damien's death penalty punishment on these grounds (Duffy 1998; Sullivan 1998b). This argument was rejected, with the filmmaker and judge instead noting the film largely improved the teens' image (Duffy 1998; Perrusquia 1998).

However, this appeal also included a few pieces of information that continued to erode at the original trial's credibility. First, a criminal profiler testified the crimes had clear hallmarks inconsistent with the three convicted teenagers (Sullivan 1998a). Second, it was reviewed that two of the teens who originally helped convince police Damien was a Satanist had only actually seen Damien participate in "white magic" but believed he *could* have been a Satanist (Perrusquia 1999). Finally, Echols' lawyers also entered a request for bite mark impressions and DNA testing of a necklace found at the scene (Press 2019). The DNA in question would become a central drama much later.

Celebrity Activism and Non-Traditional Experts

While *Paradise Lost* was a clear success as an artistic object, it was also a success in another major way. The film directly stirred substantial social activism. This social activism was driven by a sort of feedback loop between celebrities and civil activists.

As already discussed, a key component of the West Memphis Three murder trial was the connection prosecutors drew between pop culture taste, morality, Satanism, and ultimately homicide. The fact that Damien listened to Metallica was literally presented to the jury as evidence of Damien's character. This belief understandably perturbed a great many rock musicians, artists, and their fans. Metallica allowed their music to be used by HBO for free in the *Paradise Lost* documentaries. And Eddie Vedder, the lead singer of Pearl Jam began what would become a years-long campaign to free the West Memphis Three. Vedder, along with the band Supersuckers coordinated an album called "Free the West Memphis Three" (Fernandez 2011). Proceeds were donated to their defense. Henry Rollins also coordinated a benefit CD of Black Flag songs in 2002 (Fernandez 2011).

That year, Eddie Vedder and Pearl Jam hosted a rock concert charity that evidently was a great success. The boon in awareness and financial support provided by the two albums and charity concert supported a fledgling advocacy group, Free the West Memphis Three (Sullivan 1998c), NA117). A follow up report on the case practically drips with disdain as it describes the original evidence:

Oh yes there was also "expert" testimony from a man named Dr. Dale Griffis, whose command of the occult world convinces him that the three defendants were engaged in ritual satanic sacrifices. Dr. Griffis' "master's" and "doctoral" degrees cost him \$10 each, courtesy of the mail-order-only Columbia Pacific University. Dr. Griffis freely admitted on cross-examination that he had heard about Columbia Pacific through an ad in a magazine and that neither of his two advanced degrees required any actual course work - only a completed application and the \$10 fee (Kopasz 2001).

I highlight this mostly to note the substantial shift in tone by the time celebrities had begun actively campaigning to raise awareness. If the original response to the proceedings had been skepticism, media coverage now was fully in disbelief and dismissal. This tone would only heighten, as media attention increasingly shifted toward criticism (Stark 2006). This included a highly critical article by Mara Leveritt examining the substantial evidentiary breakdown between the original autopsy's delivery, its continued absence upon arrest, and the total lack of evidence regarding sexual assault (Leveritt 2002b).

In 2007, the case experienced several further bombshells which themselves only fueled more activism. Pam Hobbs—mother of the victim Stevie Branch—revealed that, following the substantial campaign to free the West Memphis Three, she no longer believed the three were guilty (Leveritt 2007).

Pam Hobbs said she "chose to believe all those years" that Echols, Baldwin and Misskelley were guilty, despite her realization during the trials that the prosecutors "didn't have anything" and persistent doubts afterwards that the defendants "were smart enough or hateful enough to have done it by themselves and clean it up."

Perhaps even more dramatically, it was revealed that Hobbs had since submitted a package of knives belonging to her husband to defense attorneys. Among the knives was a pocketknife belonging to Stevie that he carried with him daily. Additionally, a hair found in the rope tying Michael Moore matched Terry Hobbs' hair.

This bombshell led directly into a new appeal from Damien's defense team, including an array of new evidence (Dewan 2007; Phillips 2007): First, DNA found at the scene matched any of the West Memphis Three, but there was DNA found that belonged to an unidentified person. Second, the mutilation of the boys could be attributed to animal activity. Third, they formally introduced the evidence of Terry Hobb's hair matching hair found at the scene. The defense also requested a request for new DNA testing, including the unidentified DNA.

At this critical juncture, popular musicians re-inserted themselves. Eddie Vedder organized a further benefit concert to cover the costs of the DNA testing (Weinstein 2007). The article explaining this activism delves directly into the aesthetic judgments passed on the three.

The sensational case in West Memphis concerned three Cub Scouts whose bodies were found submerged in a drainage ditch not far from their homes; one boy's body appeared to have been sexually mutilated. Two of the defendants frequently dressed in black and were described as "Goths." Accusations of satanic rituals were presented in court testimony.

Natalie Maines, the lead singer of the Dixie Chicks, also got involved, posting a call to action for fans everywhere (Keel 2007a, 2007b). The original letter is no longer available but was available via a local newspaper at the time (Branston 2007). I've included it here:

I'm writing this letter today because I believe that three men have spent the past 13 years in prison for crimes they didn't commit.

On May 5th, 1993 in West Memphis, Arkansas three 8 eight-year-old boys, Steve Branch, Christopher Byers, and Michael Moore were murdered.

Three teenage boys, Damien Echols, Jesse Misskelley, and Jason Baldwin were convicted of the murders in 1994. Jason Baldwin and Jesse Misskelley received life sentences without parole, and Damien Echols sits on death row.

I encourage everyone to see the HBO documentaries, *Paradise Lost* and *Paradise Lost 2* for the whole history of the case.

I only discovered the films about 6 months ago, and ... I immediately got online to make sure that these three wrongly convicted boys had been set free since the films were released. My heart sank when I learned that the boys were now men and were still in prison. I couldn't believe it.

I searched for answers as to what had been done and what was being done to correct this injustice. I donated to the defense fund and received a letter from Damien Echols wife, Lorri. She is a lovely woman who has dedicated her time and heart to her husband. I was glad to hear that after so many years of fighting for justice it looked like things were finally happening. Below, I have written what the DNA and forensics evidence shows. I hope after reading it and looking at the WM3.org website, you will know that the wrong guys are sitting in jail right now, and feel compelled to help.

The DNA evidence she refers to was DNA found at the scene that was a match for Terry Hobbs, the stepfather of Stevie Branch discussed earlier. Maines was sued by Hobbs for this very post. Hobbs claimed this post effectively accused him of murdering the three boys by asserting the DNA would be incontrovertible. His suit was dismissed by the judge and he was ordered to pay her legal fees (Martinez 2010).

Only weeks after this post, a rally was held at the Arkansas State Capitol (Gambrell 2007). The rally was coordinated by a new civil group created that same year called Arkansas Take Action (<https://www.westmemphis3.org/arkansas-take-action/>) and attended by Maines herself, as well as over 150 supporters. While there, protesters revealed a banner that extended a full two blocks made from postcards sent to request the teens' release and the defense fund received over \$1 Million in donations.



Figure 5: Banner Made From Postcards Sent Worldwide to Demand the Release of the West Memphis Three (A. T. Staff 2011).

Interestingly, reporting on the rally framed the case as having been rooted in the Satanic Panic, reflecting a clear and solidified media consensus condemning the conviction.

The case gained national attention soon after the teenagers' arrests, when word was leaked that the murders were committed as part of a satanic ritual. A key prosecution witness in the second trial was a self-proclaimed cult expert, who stated that the murders bore "trappings" of the occult. This testimony, combined with testimony about books Echols read and some of his writings, plus evidence that he and Baldwin liked heavy-metal music, and that a number of black t-shirts were found in Baldwin's closet, helped to convict the two (A. T. Staff 2011).

By 2009, it was being reported that at least two of the mothers of the murdered boys no longer believed the West Memphis Three were guilty (Dewan 2009). And in 2010, celebrity musicians again hosted a benefit concert for the West Memphis Three. This time, Eddie Vedder and the Dixie Chicks were joined by Johnny Depp and drew a crowd of over 2500 people (Black 2010). Reflecting on the success of the concert, Leveritt writes:

Did it work? Peck believes the event surpassed ATA's goal of focusing attention on the case. She noted that an hour-long interview with Davis, Vedder, Maines, and Echols's attorney, Dennis Riordan, on *Larry King Live* the night after the concert had developed "at the last minute," as news of the event spread nationally. "And broadcast of the concert

over Sirius XM radio essentially fell into our laps," she said. Poe noted that several segments of the concert, as well as his film, have now been placed on YouTube, where they are reaching what he called the case's "future audience" (Leveritt 2011, 153).

In late 2009, allegations of jury misconduct began to emerge into the national spotlight (Dewan 2009). In particular, the jury foreman Kent Arnold hired one of the prosecuting attorneys for an unrelated case while the case was ongoing. Indeed, the prosecutor in question actually ended up signing an affidavit to this effect for the defense (Leveritt 2011, 152). The prosecutor later testified that Arnold repeatedly discussed the case with him outside of the court room, specifically indicated he believed they were guilty before the trial had started, and even asked the prosecutor for advice in convincing other jury members (Stumpe 2010).

The System Relents

At long last, the growing public pressure became too much, and the State started to crack. On August 19, 2011 the three teens were offered and accepted an Alford Plea Deal. The Alford Plea is an unusual legal maneuver which allows for the release of a convict who maintains their innocence, provided they acknowledge the State holds enough evidence to convict. Effectively, this minimizes future prosecutions, reopening the case, and lawsuits. On a call with Jessie Miskelley's defense attorney, now District Court Judge Dan Stidham told me that the legal teams were not notified until the last moment. Indeed, some lawyers (such as Damien's) were not even in the state. Further, the Three were told they all must agree for the State to allow the deal. In essence, they had a fleeting option to all leave prison, guilty or not. They unsurprisingly accepted. Eddie Vedder and the Dixie Chicks attended their release (Robertson 2011). At what seemed likely to be the capstone of the West Memphis Three's story, the attended he premier of the final part of the documentary series that had made them famous, *Paradise Lost Three* (Staff 2011c).

But momentum proved to be too strong to simply decline with their release. In fact, even *more* celebrities became involved. Famous film director Peter Jackson intervened to help Damien receive a tourist visa to attend an event in New Zealand despite his conviction. Jackson also became involved in working to fund the further development of forensic evidence for a full pardon (Staff 2011b). Jackson would go on to release his own (much shorter) documentary, *West of Memphis* (Itzkoff 2011). That same year, rumors swirled the Oscars were considering *Paradise Lost Three* in the documentary category, and as such Michael Moore's parents asked that it be excluded (they still believed the Three were guilty) (Staff 2011a).

Following the overall pattern that characterized the cultural spiral surrounding the West Memphis Three, the new film led to articles that renewed criticism of the trial. Media was now critical of the Alford Plea deal when the men should be exonerated (Holden 2012). There would also be more general reflections on the role of directors and documentaries in the criminal justice system (Itzkoff 2012). And as icing on the cake, a dramatized film *Devil's Knot* was released in 2014. While the film itself was widely panned, it yet again spawned discussion of the case. One article simply asserted the *Paradise Lost* films along with the others were primarily responsible for the Three's release (Itzkoff 2014). Another took the opportunity to plainly state the evidence pointed to Terry Hobbs, Stevie Branch's stepfather (Holden 2014). Some twenty years later, this was probably the boldest assertion of guilt I found. Today, appeals are ongoing surrounding this newly resurfaced evidence, with hopes that a pardon could eventually set right the innate injustice in the Alford Plea.

Competing Experts and Reclaiming Aesthetic Meaning

Such a firestorm of celebrity, media, and civil action naturally yields a wide range of reflections, not all rooted in heroism. As already mentioned, it has fueled conversation about documentaries and their relationship to the criminal justice system (Laycock 2015). It also raises

the thorny issue of civil action in an impartial justice system: “If people do have ‘the power,’ as Smith proclaimed, does it, can it—should it—apply to the justice system?” (Leveritt 2011, 140) Leveritt also notes, quite correctly, that an instance of three white men unjustly prosecuted gained celebrity attention, while many black defendants in Arkansas never have.

My aim in this chapter is narrower. It is instead to draw attention to the complex role aesthetic judgments played in the overarching drama surrounding the West Memphis Three. In the initial trial, the various aesthetic judgments passed on the three teens essentially operated as character assumptions rooted in pop culture preferences. Indeed, the jury essentially decided guilt on these grounds. The three’s preferences—their music tastes, their tattoos, their clothing, and more-- deemed to be deviant and were seen as signs of a person who could be capable of committing an otherwise unspeakable act.

But aesthetics, and the even less refined space of popular culture, has always been a contested space. As such, the assertion that certain types of music “signified” something in a concrete way was perhaps inevitably going to stir up a reaction from those who disagreed with such an assessment. The nature of *popular* culture ensured that many people would have a sense of investment in such an appraisal.

And while it is likely true that other factors subtly impacted why the West Memphis Three murder trial exploded onto the national scene—the race of the teens, for example—it is also very much true that the reason major rock musicians and filmmakers picked this cause as a literal *cause celebre* was because it directly involved their work and place in social life. The assertion that artistic creation directly reveals an artist’s character (and the character of their fans, for that matter) is likely not new, and no doubt reflective of many unspoken beliefs held by many. But the application of this belief into a formal setting with life-threatening consequences

practically forced a cultural response. This response led to substantial activism and financial support in a case that otherwise could have well remained a trial in a small, poor town involving poor unremarkable teenagers.

In other words, the pop culture objects that informed the aesthetic judgment of the West Memphis Three also became the foundation for an alternative aesthetic judgment that would eventually triumph over the first. At the risk of depersonalizing a tragic case, the West Memphis Three trial and ensuing civil battle was in many ways a grand debate about certain pop culture tastes and small-town American values.

In a way, this is reminiscent of ongoing scholarship on the aesthetic public sphere. Aesthetic public sphere theory has demonstrated that cultural binaries can be negotiated through stable communities surrounding popular culture called aesthetic publics (Engelstad, Larsen, Rogstad, et al. 2017; Engelstad, Larsen, and Rogstad 2017; Jacobs 2017; Jacobs and Wild 2013; McKernan 2013; Wu 2011). The emphasis in this scholarship is on how existing civil binary contests are *also* carried out via entertainment and focus on stable forms of entertainment (as opposed to specific objects). In other words, debates about our values and their nature are often contested by proxy in civil discussion *about* art objects.

But there are differences, and the differences are critical. Most obviously, the West Memphis Three trial and conflict was not *about* pop culture. It was fundamentally about real people and real crimes. The art was secondary. Ironically, individuals outside of what may be called the aesthetic public surrounding popular music took belonging in these groups seriously—they believed such tastes directly spoke one's character and behavior. It was members of the aesthetic public that came back to forcefully reject such an assumption.

Chapter Six: How Paradise Was Lost

Very little social scientific work exists on the West Memphis Three. None turns to the question posed here: how from a sociological perspective the Satanic Panic narrative specifically came to be localized and dominate West Memphis Three trial. This question is also more broadly useful in that it has implications for how we conceptualize the way the Satanic Panic and other panics become embedded in actual historical circumstances. It also adds a new layer to how we conceptualize the social construction of legal outcomes in the absence of evidence.

To answer this question, I opened by situating the trial in the context of sociological research on the law, specifically the literature on miscarriages of justice as a result of key social variable demographics. I considered class, race, gender, mental illness, and religious. Arguably all these factored in some capacity in the way the West Memphis Three trial was constructed, but none proved singularly explanatory, and all were quickly subsumed into a dominant Satanic Panic narrative.

I thus framed my theoretical approach to understanding my question in the context of the cultural construction of law, moral universes, and boundary work. This perspective lent itself to particular attention to the actors involved, the social contexts, plurality of views, and specially the development of narrative and communicative consensus. I did this by drawing on a wide range of source material to represent the variety of actors in dialogue as the community constructed a moral framework and ultimate legal outcome.

In my first empirical chapter, I particularly investigated the early days, asking how and why the Satanic Panic narrative was introduced to the investigation in the first place. I ultimately found that in a state of moral panic about an unusually horrendous crime, the community quickly eliminated more traditional explanations. In its stead, key actors were able to introduce a framework that was already mutually comprehensible to many in the community and offered some sort of moral logic: the Satanic Panic narrative. Thus, in the early days the critical intervening variable was this state of unusual moral panic.

In my second empirical chapter, I turned to the question of how they tied this narrative to specific individuals. Having established a narrative framework and understanding of the innocent victims, the community needed monsters who would have committed such a crime. More specifically, they needed Satanic monsters that fit what many people already believed to be true about Satanists. Thus, the real job of the investigation and trial—for the legal team, the media, and the community—was not a narrow application of law but the dramaturgical creation of monsters. I showed that this was ultimately done using what I have characterized as tacit aesthetic knowledge, drawing on vague constellations of affect and impressions about Satanism and evil to implicitly demonstrate that the three teenagers involved were Satanists.

This tacit aesthetic knowledge allowed the community to maintain and apply a moral universe framework shared by many in power. The narrative was intelligible to many in the community as well, allowing for relatively smooth application. It also had the additional social power of pulling in vague was from social bias involving class, mental illness, religion, and to a lesser extent gender and race. Finally, this narrative was a powerful media draw, further fueling the narrative construction.

But the process of constructing this narrative did not end with sentencing and this tacit aesthetic reasoning was not universally shared—and given the role of national and global media, it quickly became re-contested. In that way, and sense then, the narrative has since further shifted from a story of evil cults to a story of an ignorant small town full of prejudice gone awry.

Moral Panic as Contingent Condition

In my first empirical chapter, I traced the early investigation and community dialogue following the discovery of the bodies. I examined the ways the media, law enforcement, and community attempted to construct a narrative in the face of heinous evil. In particular I noted the ways common social biases and existing frameworks entered into the equation as actors attempted to pull from mutually shared frameworks. But ultimately none of them were singularly potent enough. Indeed, all of these biases were gradually subsumed into a much larger, more comprehensive narrative percolating globally at that time. This was in fact necessitated because of the heinous nature of the crime. Indeed, no single “normal” criminal narrative or explanation held enough moral power. Thus, I’ve argued that moral panic was a necessary condition sociologically speaking for the Satanic Panic narrative to dominate.

Social Inequality in the West Memphis Three Trial

Considering the West Memphis Three murder trial in the context of scholarship on inequality before the law is helpful. In the scholarship reviewed, the emphasis is generally on the various points of contact between disadvantaged groups and the criminal justice system. In other words, most of the described inequality happen outside the court room. In the case of the West Memphis Three, we see years of unusual and disproportionate focus by police on the three teenagers in question. As already explored, Jerry Driver pursued Damien Echols for *years* before

the murders, based purely on impressions and aesthetic evaluations. Driver, law enforcement, and the community largely shared the belief that Echols was quite odd and somehow an outsider. Driver interpreted this in the Satanic Panic narrative.

This assessment was enough to tilt the investigation toward Echols and his friends early in the investigation. This happened although multiple witnesses reported seeing an unusual man that did not match Echols. It also continued even when the “confessor” had a verifiable alibi. In other words, the bias against the three teens interrupted a rational, ideal investigation both by directing attention toward them in the first place and by leading law enforcement to willingly overlook the little evidence they did have.

Social biases against traditionally marginalized groups played a role in the construction of the West Memphis Three trial. As I demonstrated, class appeared in a few key instances. Damien’s relative poverty was foregrounded and situated alongside moral assessments that are highly consistent with biases against class rooted in the Perversity Thesis. He was consistently portrayed as messy, lazy, and the like. Further, the teens were pursued by juvenile officers for years before the murders and prosecuted for a variety of minor offenses. This is highly consistent with the experience of impoverished communities in general, who both face bias from law enforcement and also do not have the financial means to defend themselves.

Race also entered, though in less obvious ways. First, and perhaps most generally, it was a presence by virtue of its absence. In short, imagery associated with the Satanic Panic was highly racialized inasmuch as it emphasized the insidious corruption of *white teenagers*. It is likely that, in part because law enforcement accepted this narrative they did not appear to seriously consider black suspects.

To that end, it's interesting to note that, in this case, multiple witnesses reported seeing an unknown black male—one saw the man covered in blood. Another saw the man earlier in the day speaking to the victim. As mentioned, eyewitnesses often over-identify suspects as black even when they are not actually able to identify a suspect. In other words, there tends to be an unusual suspicion toward black males when investigating crimes. And yet, in this case the bias against the three “Satanic” teenagers was so powerful it was able to overcome even bias against race *coupled with voluntary reporting by witnesses*. It is hard to say exactly why this was the case. Perhaps it reflects the relative power of the Satanic Panic narrative at the time. It may also relatedly reflect the maturity and specificity of the narrative about Damien held by law enforcement. The town already had a villain that fit into the story they wanted to tell. No need for additional reinforcement from racial bias.

Gender featured less prominently, but arguably was still present. For one, Damien's long hair, emotive nature, tendency toward writing poetry, and the like all were mentioned frequently. These all tended to overlap with other narratives—most obviously the Satanic one—but they also all carry with them a tinge of gendered expectation about what this community expected from their teenage boys. It is clear that Damien's personality and affect placed him outside community norms long before the trial.

Mental health was also involved. As discussed in the context of Damien especially, symptoms of mental illness were regularly described. Critically, when Damien was in Oregon these symptoms were approached and treated as such. In particular, his depression and suicidal tendencies were listed. He was not considered a threat. Damien was a person who needed help. However, in West Memphis both before the trial and during, the same symptoms were instead

represented as reasons to see him as a threat. Indeed, his depression was even noted as a possible sign of Satanism.

Finally, religion was most obviously involved. Even at a surface level, Satanism was treated as a clear reason to believe someone criminal in spite of the theoretically fact that individuals have the legal freedom to be Satanist without discrimination. But this dominant Protestant view also shaped community bias in a more subtle way: the community collapsed a variety of religious into a singular category and treated this as evidence of a person's murderous capability.

But while these various forms of social bias clearly factor into the West Memphis Three Case, the case is also unusual in a few important ways.

First, the discrimination entered the courtroom quite openly as well. Indeed, they were openly labeled as Satanists, treated as therefore capable of triple homicide, and sentenced with no meaningful evidence. Their aesthetic tastes proved they were Satanist, and Satanism was quite openly treated as a worthy ground for legal prosecution. At the risk of stating the obvious—even if they were in fact Satanist, allowing this to enter into legal argumentation is theoretically an open violation of basic rights guaranteed by the US constitution and the Universal Declaration of Human Rights.

Goodwin examines this rights abuse in the context of the Satanic Panic more generally, exploring the ways the phenomenon increased intolerance of all non-Christian religions (Goodwin 2018). Indeed, Goodwin argues the Satanic Ritual Abuse and recovered memory phenomenon owed its success to its willingness to trade in religious intolerance (Goodwin 2018,

293). Moreover, there was essentially no effort made to distinguish between different types of minority religion in “satanic” abuse imagery:

“The American public made little distinction between the imaginary perpetrators of ritual abuse, self-identified Satanists, and other forms of occult religiosity, however. Rhetoric used by law enforcement officials, media pundits, social workers, and the general American public demonstrates significant slippage among these categories” (Goodwin 2018, 294).

This was mirrored in West Memphis, with open dismissal of any attempts made to distinguish between Wiccan ideas and Satanism.

Consider the following: Imagine a drug prosecution in the 1990s. While it is obviously common for judges and juries to show implicit bias in court rooms, especially in terms of race and gender, it would be considered deeply unacceptable for a prosecutor to openly assert that a person of color is likely to use drugs and commit crimes and therefore should be sentenced regardless of evidence. Indeed, there is a sort of general assumption that the legal system will at least provide some sort of evidence as to the commission of the crime and certainly never *explicitly* state the narrative underpinnings. In the West Memphis Three trial, there wasn’t even a performative effort gesturing toward impartial justice.

This leads into a second disturbing difference—not only was religious affiliation used openly as grounds for prosecution, it wasn’t even accurate. Indeed, none of the three teens were Satanists. The “closest” to Satanism was Damien, and he was explicitly Wiccan and had repeatedly denied being Satanist. The furthest was Jason, who was a baptized Christian that regularly attended Church and expressed in interviews confidence that God would bring the truth to light. This foregrounds an element of the breakdown of justice in this case that is truly extreme: the prejudice applied did not even have a foundation. The teens weren’t Satanists at all.

Instead, the judge and jury applied a well-developed narrative about Satanism and satanic crimes using aesthetic connections as they saw fit.

Third, these various layers of social bias were all layered into and subsumed under a larger narrative about the three teens. Indeed, the symbolic narrative that undergirded the Satanic Panic was built from a collection of biases that cuts across class, race, gender, mental health, and religion in complex ways. At some level, components from each of these were treated as evidentiary pieces justifying the larger belief that these individuals were Satanic monsters.

Why Satanism Was Necessary

In my first empirical chapter, I traced a community spiraling into panic as they attempted to restore the boundaries of their shattered symbolic universe. Indeed, if criminal trials are in large part a dramaturgical process whereby communities reaffirm and reify their shared “common sense”, then a crime that is extraordinarily egregious requires extraordinary symbolic punishment and reconstruction.

Over the course of the first thirty days, I showed how a spiral of misinformation, miscommunication, anxiety, and fear fed an ongoing crisis. In essence, the community of West Memphis simply could not make sense of the crimes in light of the shared moral universe they occupied. As a result, the criminal investigation was in effect charged with critical role of narrating events in a way that could be cohesively understand and stabilized an ongoing moral crisis. This moral panic did not allow for normal explanation. It required monsters. Thus, the state of moral panic effectively forced out traditional explanations and opened a vacuum for the Satanic Panic narrative. This panic was only worsened by unusual national and global attention,

fueling media and political pressure. In this gap, actors who had previously already been explicating this narrative were able to effectively pursue this line of thinking and explain themselves in a way the community found intelligible. This did not require special evidence, as the community already had the narrative framework to see and understand sexual crimes against children as the work of Satanic cults. This was buttressed by preexisting work done locally to give legitimacy to this narrative—including “experts” and secular testimony at the national level. Further, it held the advantage of being consistent with the small-town American Protestant moral universe occupied by the town. It also allowed the community to displace the crime onto outsiders.

Tacit Aesthetic Knowledge

In my second empirical chapter, I turned to the even narrower question of how the Satanic Panic narrative was given embodied form and tethered to specific individuals. In other words, given the moral panic in West Memphis provided the condition for Satanism to become the dominant narrative, how did Satanism further become assigned to specific individuals and produce a legal outcome? To understand this mechanism, I’ve referred to and described a specific category of knowledge which I’ve called tacit aesthetic knowledge.

The investigation and trials largely hinged on a character argument: the three teens were the *type of people* that could commit such a heinous crime. More specifically, this character was established by the submission of evidence about the teens’ taste in popular culture and their outward appearance.

The legal system in this case simply did not have evidence. In the absence of this evidence, the community, law enforcement, and the court system constructed a cohesive if

untethered narrative about the crimes that drew on the larger Satanic Panic in a way that maintained a certain moral sensibility. They then connected the three teenagers to the crime through aesthetic judgments and assumptions about the nature of taste. In other words, this case was built on unsound knowledge and judgment—regardless of how one feels about the outcome.

At its core, the process of judging the West Memphis three clearly involved the process of marking the teens for exclusion. Allison Young argues that at a psychoanalytic level, people tend to conceptually divide in order to simplify and reduce stress. By “simplify”, she explains, she means “to regress, to eliminate the middle ground, to split, dividing the world into safe and threat, good and evil, life and death” (Young 2014a, 315). Gatchet and Gatchet, discussing the West Memphis Three, further describe this via Melanie Klein’s theory of projective identification, referring to the “unconscious process whereby the human subject splits off the bad or intolerable aspects of the self and redirects them onto another object” (Gatchet and Gatchet 2017, 529). This fits neatly with sociological theories about culture that attribute culture’s core structure to binaries of sacred and profane (Alexander 2012b; Alexander and Smith 1993; Douglas 1966; Edgell et al. 2006).

This process was more than just division—it involved the development of a specifically textured “monster”. Williams discusses the West Memphis Three in the context of several criminal cases where society created “folk devils”. In his work, he argues the development of folk devils depends on a combination of social cognition, genre and narrative, and political economy (Williams 2011). Further, Williams argues that “cultural orthodoxies” and “devils” are mutually interdependent and in doing so echoes cultural sociological ideas about evil (J.

Alexander 2003). Frankfurter describes a phenomenon he calls the “myth of evil conspiracy” in a powerful and applicable way:

“There exists, in some sense, a *myth of evil conspiracy*—using “myth” in the sense of master narrative rather than false belief. The problem is how to explain this myth and its patterns with due regard to their contexts: not as timeless, omnipotent archetypes but—as I will argue—ways of thinking about Otherness, of imagining an upside-down world that inverts our own, of encountering local malevolence suddenly in universal scope, and of sensing the collapse of vital boundaries between “us” and those monstrous “others” (Frankfurter 2008, 2).

As it is while Williams’ work emphasizes political economy that he also briefly draws attention to the linking factor between general narrative and its application in the specific case:

In the case of the West Memphis Three—three fans of heavy metal music in the US who were charged with the murder of three young boys—the news media played an instrumental role in mobilising public sentiment that extolled an image of the affected community as a cohesive, devout community under attack. They did this through an unrelenting narrative emphasizing the idea that heavy metal music was linked with Satanism, and that the murders were satanic in nature. One of the alleged perpetrators was linked with both heavy metal and occultism through ownership of music recordings and books on the Wiccan religion. Worse, it became clear that many local and regional news reports were focusing on the style of the youths’ clothing and music as ‘proof’ of their guilt and the threat they posed to others in the community if let free (Williams 2011, 10).

This highlights two central points. First, these monsters made by society were not simply moral or abstract monsters. They were aesthetic, material monsters. Indeed, it was exactly what they looked like and what music they listened to —“the three teens, who had long hair, listened to heavy metal artists such as Metallica”— that was considered central in the trial that would convict them (Gatchet and Gatchet 2017, 524). Broader criminological theory has started to examine this aspect of law and order—not only can individuals defy cultural orthodoxy, they can also violate aesthetic order. This violation may theoretically place individuals at greater risk of banishment

and criminalization in the same way violating orthodoxy does (Millie 2017). I would argue the West Memphis Three are an exemplary case study of this point.

Second, because the Satanic Panic narrative had an aesthetic component, it was this component that the community was able to use to link the narrative to the teens in question. In other words, the Satanic Ritual Abuse framework had markers that were widely known—rock music, horror movies, slang language. The teens displayed these markers. These markers thus allowed the community to bridge the gap. These markers allowed the three to be quickly singled out and for the community to project the other onto them (Gatchet and Gatchet 2017; Hughes 2000; Ian 2001).

The West Memphis Three murder trial was highly dependent on judgments about the types of people the three teens were. These judgments were generally rooted in the process of othering and projective identification, crafting an imaginary monster rooted in narratives about Satanic conspiracies. They were able to specifically bridge the gap between the national Panic and local teens because of aesthetic judgments.

In advocating for research on aesthetics and crime more generally, Young argues it is important to not focus on objects—or individuals—alone because the relationship between spectator and observed is shaped by an “affective dimension” which she describes as aesthetic politics (Young 2014b). In other words, there is something about the aesthetic elements of social interaction that transcend rational logic. Intersecting on this point, Frankfurter describes myths of evil conspiracy as “not... immutable archetypes but as *clusters of related images or social dynamics*, comparing (for example) various images of perversion and savagery, or comparing various forms of charismatic expertise in identifying evil, rather than *the* child-eating myth or *the*

witch-hunter” (Frankfurter 2008, 6). In other words, there is not a set myth about a particular evildoer. There are clusters of ideas about evil that intersect and interact in complex ways. No doubt this is related to the more general affective element described by Young. In other words, ideas and narratives about evil are not coherent, organized, and rational. They are fluctuating and pull from a variety of inconsistent sources. And they are deeply affective, speaking more to how something makes us *feel* than any empirical reality of an object. This touches on an earlier observation that the narrative surrounding the three teens was deeply untethered from an empirical “reality”.

The West Memphis Three murder trial highlights a few ways cultural knowledge becomes blurred. First, symbols are clustered and applied inconsistently. As is the case with folk devil phenomena more broadly, symbols and narratives tend to exist in loose clusters that solidify and disperse in a fluid way (Williams 2011). Symbols do not have to fit into a coherent story, nor is that story always debated in a coherent way.

Second, in the case of the West Memphis Three, these symbols also were applied in a way that was largely independent from reality. The community and law enforcement interpreted certain aesthetic cues and decided they proved a much larger narrative, even as the narrative was explicitly denied by plain facts as commonly understood. What it offered instead was a way to morally relate to a horrible crime without conceding ambiguity in its commission: only a truly evil outsider could do such a thing.

Third, the West Memphis Three trial rested on deeply affective and reactive processing, divorced even from the well-codified expectations of logic and argumentation in a court room. In this way, the trial serves as a solid case-study for Young’s more theoretical argument about the

nature of aesthetics in criminology (Young 2014b). More pointedly, the cultural arguments that informed the trial largely hung together on affective reasoning.

In truth, both above aspects I've highlighted also ultimately hang on affective logic. The reason symbols and meanings are fluid and structured inconsistently is precisely because part of the reason they are applied is rooted in the emotional logic of immediate experience. Even in more formal political debates, I suspect that the reason one candidate becomes untrustworthy and another trustworthy is not purely because one is a liar. Instead, it's no doubt true that one candidate somehow *feels* untrustworthy and that feeling shapes individuals' approach to narrative. Indeed, given the crimes in question, it was important the monsters created matched the feelings evoked by the crimes. The criminals needed to evoke dread, fear, revulsion, hatred, and the like, because those were the types of feelings generated by the crimes.

Further, the larger narrative about the three murders in West Memphis was deeply rooted in emotional destruction: a sense of violation, a sense of failure both as a community and of law enforcement, despair, sadness. The list goes on. More pointedly, the community *felt* that only a true monster could commit such crimes and *of course* they would have recognized a monster if the monster was one of them. There is no way the perpetrator could have been a respectable, normal member of society. As I've already belabored, there was a clear sense among influential people at the time that the real monsters they faced were secret societies of Satanists. And, according to tabloid news at the time, certain signs pointed toward Satanists. The community was well primed at a visceral level to fear and pursue a very specific type of person. It didn't hurt that the community had already long since felt there was something "off" about the local impoverished and depressed teenager who didn't go to church or play sports. It didn't matter if

the narrative about Satanism was true in every detail (or any). It *felt* true. In the depths of their despair, this was really all that mattered.

In short, the West Memphis Three murder trial hung on one critical mechanism that tied everything together—what I have called tacit aesthetic judgments. In the absence of solid evidence, the justice system nonetheless produced a conviction.

The moral logic of the community insisted only truly evil individuals could commit such crimes. In large part because of a much larger scale social panic happening across the world, the community was well primed to automatically imagine a very specific character when visualizing such an evil individual: the hidden Satanist sacrificing children to the Devil. This had the added benefit of somehow just *feeling* right to the community. The claim that Satanists would sacrifice children did not require interrogation or evidence.

But the most critical piece in all of this was the way the justice system decided these teens were in fact Satanists. It was not because they were Satanists. Instead, the three were deemed as such because of a combination of how they made the community *feel* and because of their taste in pop culture. In other words, two juries looked upon three teenagers and assessed that they fit a narrative the community already held regardless of evidence.

This assessment was powerful enough to overcome very reasonable doubt. The jury had emotional certitude.

This raises two critical points: First, it may be tempting to see such emotional and tacit rationality as the purview of the psyche. This case lays bare the deeply social roots of such “knee-jerk” assessments. Indeed, virtually all the aesthetic cues used against the teens originated

elsewhere—most immediately in a transnational panic fueled by religious, political, and entertainment developments occurring at a macroscale. Community members experienced these judgments as deeply personal. But the foundation for these judgments was socialized into them without any awareness long before the trial itself.

Second, it follows naturally from this to draw attention to the origins of these judgments. Virtually all the ideas on display during the trial derive from popular culture. By this, I mean both mass entertainment in a technical sense and the “news” and books that had become a form of mass entertainment by the dawn of the Satanic Panic. Wherever one looked, the general cultural zeitgeist propagated a particular image of evil, Satanism, and the things that go bump in the night. Indeed, in an unstated way the absence of traditional evidence was rectified by the “expert” knowledge of the masses. There were indeed cultural experts in the trial—such as the mail order PhDs. But there also was an unassailable consensus about the nature of the type of evil in question, a consensus fundamentally structured by popular culture. This even included comically sad examples like the explicitly identified *Necronomicon*, treated as authentic evidence.

Indeed, the trial suggests that popular culture is key to the process of internalization and development of tacit aesthetic knowledge. Through popular culture, we internalize tacit knowledge about aesthetic cues and their moral associations. These subconsciously direct our opinions about others as we assess belong. These assessments can and do become powerful, in this case as seen through the criminal justice system.

Of course, as illustrated in my final empirical chapter, the story of aesthetic judgment and the West Memphis Three did not end with the initial trial. Indeed, because the process of justice was rooted in an inappropriate application of aesthetic judgment, it ultimately invited the

scrutiny of a different type of expert witness that fueled activism. If pop cultural tastes are significant and have meaning in a court room, than experts on popular culture gain a newfound relevance. And indeed, who better to comment on the meaning of Metallica than Metallica? The West Memphis Three murder trial rested heavily on deeply unsound knowledge. But the admission of this knowledge also legitimized a level of activism surrounding the case that likely would have not happened otherwise.

This suggests the practical significance of tacit aesthetic knowledge is twofold. On the one hand, this type of knowledge directly fuels a variety of forms of stigmatization. On the other, it also suggests a) that popular culture matters much more deeply than sociologists have understood and b) that there is a form of cultural power already accessible to the average person, the lowbrow, the working class. In that way, it identifies a key source of social power heretofore under-recognized. In some senses, this is unsurprising. One of the positive notes in Cultural Sociology is the implicit reality that people can find political power even without physical or material power (Alexander 2012a).

But the overall nature of the process remains elusive, in as much as the experience of the individuals involved was not a logical one with articulated sources or argumentation. At its heart, the prosecution effectively argued that the three teenagers in question gave off the impression of being the type of people that might commit such a crime, and this logic was affirmed more because it felt true in the way the community wanted it to be true than because they had any empirical reason to see it as such. Even when expressed, the cultural logic that justified conviction had no grounding beyond aesthetic values and judgments.

Implications

I want to briefly discuss some theoretical implications is see in this case as well as future avenues of research. In particular, I comment on the nature and importance of popular culture, the importance of tacit aesthetic knowledge for how we think about criminal bias an emotions sociologically, deviance and labeling, and the cultural construction of moral panic narratives.

The Nature of Popular Culture

My case study in the “empirical” portion of this project is largely related to what we would described as “popular” culture as opposed to “high” culture. And there is much to be made of the definitional issue. But this is not an attempt to define popular culture in a meaningful way. That has been done elsewhere in great detail and with great authority (Storey).

Indeed, if one takes seriously my theoretical model, the term becomes even *less* useful than Storey has already demonstrated it to be. Rather, I want to reflect on a *dynamic between* high and low culture as a way to explain why a full affective approach needs to start with pop.

Setting aside definitions of popular culture that see it as purely nominal, most social theories that articulate a relationship between high and low art posit a unidirectional power dynamic that travels from high art and culture to popular culture. This dynamic is cultural, in the sense that “high” aesthetics shape and change “low” aesthetics. But it is more than aesthetic. Indeed, in the traditional materialist models which dominate sociological thought on art, aesthetic taste is rooted in material power and the upper class. In essence, taste is a secondary social variable that rides on the coattails of the modes of production (Bourdieu).

In my view, the dynamic is almost exactly opposite. Or at least the metaphor is wrong, and in its wrongness represents a false relationship.

The “high” culture model, derived from a materialist approach to social life, depends on what I’ll call the “Mount Olympus” metaphor. In a Mount Olympus sociology of culture, there are separate camps that have a degree of relationality between them. One of these camps—the gods—clearly holds the high ground, both literally and in terms of power. They exist in rarified air and occasionally reach down to shape the contours of human life.

But the affective cultural sociology envisioned here sees aesthetics more as a building (or the mountain itself). Deep aesthetic cues that associate good, evil, desirability, etc. are widely shared across classes (and time, generally). This is the aesthetic “foundation”. Above the foundation we have more complex association chains that *build on preexisting ones*. And above this are even more complex chains (or even revisionist ones!) that build on all of the previous layers. Access to each level does require education, initiation a la Bourdieu. But this is not because the symbols originated at the top. The opposite is true. While “mom and dad” may have the “master bedroom” on the top floor, the stability of the top floor is dependent on—and derived from—the bottom floors. The bourgeoisie culture is always everywhere built on webs of much more broadly accepted aesthetic cues. Solidified structural aspects of culture depend first and foremost on the affective.

Consider the Devil in art history. Most people are familiar with the classic tropes used to signify the Devil in art: horns, hooves, a tail, red skin, yellow eyes, a pitchfork, and so on. And these images are widely prevalent in high art. But this is *not* because the bourgeoisie invented these visual cues. These cues derive from medieval art explicitly aimed at the peasantry’s cultural vernacular which itself drew on folk imagery. Rather, what distinguishes high art’s use of Devil imagery is how it developed increasingly complex ways of using, manipulating, and even debating this imagery in a sort of visual language.

This example brings a second issue: popular combinations of affective aesthetic symbols. There are almost elemental aesthetic symbols broadly associated with moral categories (light vs darkness, white vs black, order vs chaos, etc.). These, while widespread, don't really capture the essence of "popular culture" so much as deep culture.

I think the reason why is actually somewhat straightforward—even trite sounding. Namely, you can't tell a story with broad binary generalizations. Try imagining an entire film where it simply alternated between white and black. It would be effectively meaningless without further commentary.

To convey structured significance, mutually understood combinations of sensual symbols must be conveyed (even before we add logocentric logic).

Consider Batman. In our previous comments on the Devil, we mentioned horns as a symbol of the Devil. But horns in and of themselves are not sufficient. Draw them in red, and a respondent may see the Devil. Draw them in black, and a large percentage of the population would likely first see Batman. Draw them in blue, and a college sports fan may instead offer up the Blue Devils. In other words, a combination of shape and color evoke something more specific than simply one or the other independently. Some combinations logically must be recognized by more people than other combinations would be (I would wager money that many more will guess the Batman clue than the Blue Devils one!).

The distinction that identifies "high" culture is the complexity of combination and the relative scarcity of knowledge required to interpret the combination.

All of which ultimately suggests that the space of popular culture overlaps more prominently with the affective dimensions of culture central to my approach. This is true both in that popular culture brings us closer to the affective, amorphous culture that is detached from

symbolic meaning and in that it is decentralized from the powers that ultimately dominate structural values.

To me, there is substantial work to be done exploring the ways we affectively internalize our shared moral universe with specific attention to popular culture. For example, what effect does the representation of evil in comic books have on children? Can we see evidence of the sociological impact of the evolution of villainy in popular culture?

Tacit Aesthetic Knowledge and Emotional Sociology

I've dedicated substantial space in this dissertation to unpacking one instance of what I have called tacit aesthetic knowledge—the sort of shared affective, uninterrogated judgments that we make and act upon in social life. It should be examined and treated more seriously as a form of causal, impactful knowledge in all instances of social behavior. Indeed, this form of knowledge is immediately important to how we conceptualize meaning in social life and thus to cultural sociology.

But in this case it also impacted exclusion and shaped marginalization, thus suggesting it is also more broadly important to consider in research on social inequality. In particular, it adds weight to the already growing calls for representation and narrative equity in popular culture. In that vein, this case study suggests a new and disturbing dimension to how we conceive of religious freedom and inequality. Indeed, not only was religious freedom essentially ignored in this case, but religion was also treated as a critical legal justification without any evidence. Indeed, pop culture preferences were used to assign individuals to a religious group in spite of their protestations.

Tacit aesthetic knowledge is also clearly and specifically affective, suggesting the powerful ways we behave as a result of feeling and emotion, as well as the ways these emotions

are socially constructed over one's life in community. Exploring affect and emotion more generally, as well as specifically in the context of aesthetic knowledge would be fruitful.

Deviance and Labeling

I want to offer a much more narrow theoretical observation. Much of criminological theory, a la labeling theory deriving from Becker's work, has focused rightly on the deleterious effects of the label of "deviant" on an individual. Indeed, the label itself often drives individuals to deviant behavior. In this case, however, the West Memphis Three have not turned to a life of crime and deviance. Damien and Jason, at least, appear to have found some success. Instead, the label had a destructive effect on everyone around them. Multiple parents and stepparents went on to themselves experience legal troubles, substance abuse, violence, and instability. Perhaps we need to widen our sociological lens when considering the effect of stigmatization of individuals.

The Cultural Construction of Panics at the Micro-Level

This case study has been a very specific examination of how a global-level panic narrative came to be grounded and deployed in a specific community by specific individuals. In more theoretical terms, it has dealt with the link between macro and micro cultural processes. Ultimately, I've argued that what was necessary was a state of moral panic at the local level and the deployment of tacit aesthetic knowledge. I believe it would be extremely fruitful to examine other instances of the Satanic Panic as well as other panics as a way to test generalizability.

Closing Remarks

While I as a researcher find all these theoretical musings interesting and potentially valuable as they point toward new horizons in cultural sociology, I also feel it is necessary at this point to re-ground the discourse in the tragedy at the heart of this dissertation.

Three boys were murdered. Three more the victims of a justice system gone awry.

In truth, nothing here can restore the dead or make up for decades of lost time. What would it mean to gain justice for the West Memphis Three? Or, perhaps more fittingly, the West Memphis Six. Ethically, I'm not sure it is possible.

Given that dousing of metaphorical cold water, what does a long musing on the failures of classical justice and the need for a post-structuralist cultural sociology provide? To be sure, it offers nothing that morally balances the scales. But it may offer fertile ground for growth.

At one level, understanding in and of itself is valuable. This case helps us gain understanding at a few levels. First, it helps us understand how and why the criminal justice system failed yet again. Indeed, it extrapolates well beyond the more studied and more concrete failures of the criminal justice system due to systematic inequality. Instead, it suggests a more fundamental theoretical flaw in how we approach justice. Second, it helps explain why we have such a hard time accessing these events intellectually, as the core breakdown is rooted in the same core flaw that structures our understanding of science itself.

Third, it offers an opportunity to explore how social panics and hysteria connect in real ways to real lives. Indeed, these similar social mechanisms were almost certainly at play in the witch-hunts and inquisitions of eras long passed.

Fourth, the West Memphis Three trial offers a disturbingly concrete case study in which to study how and why popular culture matters. One's music preference is not just entertainment. It is a point of contact to much more abstract and amorphous dialogues about what it means to be human in society. More generally, it offers a challenging case in which to consider how culture shapes social life. This is obviously true for criminal justice, with the strong approach to culture having hardly touched criminology at all. But it also perhaps can inform how we think about

values, beliefs, and ideas in social life more generally, suggesting a need for a post-structuralist turn. Instead of the meanings of social life, perhaps we now need to consider the feelings.

But I do not want to fully abdicate responsibility for making practical suggestions. What could possibly be done if we still want to believe in the State's ability to deliver justice, at least in extreme instances? Regardless of who committed the murders in West Memphis, it is abundantly clear that justice did not flow blindly as it should. At a minimum, the State of Arkansas should overturn the Alford Plea and dismiss the charges against Echols, Baldwin, and Miskelley. This is literally necessary in order to enable police to make an honest effort at finding who is responsible based on acceptable evidence.

In the future, it would also be wise for the justice system to attend to the ways current ideas and trends may be shaping law enforcement and the courts. This should be treated as sincerely important to criminal cases. It matters if a jury believes teens who listen to Metallica are Satanic. It matters if a police officer believes men should dress in certain ways. And culture wars should be acknowledged and addressed to ensure the unbiased application of the law. Perhaps the criminal justice system should intentionally consider and include evidence and experts as to the cultural debates that inform how a community thinks about good and evil.

Chapter Seven: Conclusion

Over the course of this dissertation, I have aimed to sociologically answer the question: How did the Satanic Panic Narrative come to dominate the construction of legal justice in West Memphis following the Robin Hood Hills murders?

I opened by framing the case—and my question—within the broader sociological literature on law. I particularly considered the gap between idealistic law and reality, the purpose of law from a sociological vantage point, and existing literature on social demographic variables that shape inequality before the law. I particularly attended to class, race, gender, mental illness, and religion.

I then detailed my theoretical framework for approaching this question. I oriented my case from the standpoint of the social construction of society, moral boundaries, and the law particularly. I specifically emphasized the cultural dimensions of this constructive work. I then detailed the two core variables I identified in my case study. First, I examined the sociological literature on moral panics—including the witch hunts, blood libel, modern moral panics in the media, and the Satanic Panic. Second, I articulated what I have called tacit aesthetic knowledge, tracing both the significance of “tacit” knowledge and “aesthetics” in literature across disciplines. I then finally described my narrative, exegetical methods for examining and illuminating the social constructive work in the West Memphis Three trial in order to answer my core question.

In my first empirical chapter, I traced the early days of the investigation to pinpoint when and how the Satanic Panic narrative became a part of the discursive constructive work in general. I demonstrated the community rapidly fell into a state of moral panic in the face of a heinous crime. This heightened the dramaturgical and symbolic constructivist function of the ongoing legal proceedings and effectively eliminated traditional criminal explanations. To satisfy the moral needs of the community and maintain the symbolic universe, it was necessary to construct a monster. The Satanic Panic narrative—developed at the global level in the recent past—had ardent supporters in the community, a veneer of legitimacy, and the benefit of satiated the moral panic’s need for a true monster in a way other explanations did not.

In my second empirical chapter, I then turned to the particularities of how the Satanic Panic narrative was made specific and embodied by being tied to three teenagers. I examined the history behind why certain actors were ready to believe these teenagers were Satanists, the arguments presented in court, and the logic offered by the jury. I was particularly attentive to the roles played by actors at all levels—juvenile officers, law enforcement, news media, community members, experts, and more. I also particularly noted the ways various social biases were woven together as supporting pieces in the larger Satanic Panic narrative, further justifying the community’s identified monsters. In all, I demonstrated that tacit aesthetic knowledge was the critical piece—demonstrating to the community that the three teenagers in question were Satanists and by extension, the logical monsters capable of committing a heinous crime.

In short, I ultimately argued that the Satanic Panic narrative entered the Robin Hood Hills investigation when the moral panic in West Memphis demanded an unusually potent narrative and that this narrative was cemented and justified using tacit aesthetic knowledge.

I then finally turned to sociologically analyzing this dynamic at a more theoretical level. I examined similarities, differences, and overlaps between the case at hand and more general research on social bias and discrimination in legal contexts. I focused on more carefully analyzing my treatment of moral panics as a critical contingent variable, a state of being for a society that necessitated extreme social construction. I then unpacked more precisely the nature and deployment of tacit aesthetic knowledge in West Memphis and what it suggests about the role of pop culture in society before turning to more general implications.

Ultimately, I think this approach could and should lead to research in a variety of contexts. Most immediately, I believe it would be fruitful to examine other instances within the context of the global Satanic Panic to comparatively analyze the process whereby the Satanic Panic narrative was grounded in other communities. A similar approach could be taken in other forms of hysteria in history, such as witchcraft. More abstractly, I would like to examine other instances of moral panic in communities and analyze the nature of the narratives they construct in response, especially with an eye to tacit aesthetic knowledge. I suspect that while tacit aesthetic knowledge is important in all contexts, it is especially important in cases where more formal knowledge and shared expectations fail.

I also think it would be fruitful to theorize tacit aesthetic knowledge more thoroughly by exploring its various facets. I am particularly interested in the apparent nature of tacit aesthetic knowledge as connected to deep and powerful affective responses. In this way, I believe it would be a fruitful companion to the growing sociology of emotions. Tacit aesthetic knowledge also clearly intersects with bias and discrimination. This precise intersection is worth investigating.

Finally, tacit aesthetic knowledge also turns a fresh eye to how we conceive of what we are socialized into, the information we internalize unknowing, and why. I can imagine this being

studied in couple ways, though I am sure there are more. First, examining the implicit messages communicated in our popular culture from a theoretical perspective with an emphasis on the delayed impacts of such messaging would be interesting. To that end, I recall the scholarly work mentioned early in this dissertation that looked at representations of Jewish people in medieval children's books. I wonder what social effects early comic books have had on how modern Americans perceive of morality. Second, it also may offer a powerful new way to think of the symbolic universes that are at work—and war—in current society. How might tacit aesthetic knowledge help us understand conspiracy theories? Or the recent raid of the US Capitol Building on Election Day?

Appendix: The Jessie Miskelley Interview

Over the course of the interview, detectives maintained few little records. Indeed, officers did not record anything until he had already indicated willingness to confess several hours into the interview. They also even then only provided audio recording. As such, much of what we know depends on notes taken by those present. The two detectives present recorded notes about their initial interview with Miskelley before his polygraph. Mike Allen noted (State v. Echols Casefile, 006244):

- Jason said he got off work at 5:00pm and went home
- He went to a skating rink often
- Sees Damien there
- Sees Damien with Carl Smith and Jason Baldwin
- “...has seen Jason Baldwin get in Fight
with a guy and got his nose busted
and Damien stuck his Finger in the blood
and licked it”
- states he never has been in Robin Hood.

Bryan Ridge, the other detective in attendance, took the following pre-polygraph notes (State v. Echols Casefile, 006257):

- Jessie worked as a roofer that week
- His boss was Ricky Deese

- He “[worked] with Josh Darby and got off work at 5:00 PM” and “went home and stayed at home”
- Jessie “heard that Damien and Robert Burch had done murders”
- “Damien is Sick (in head)”
- Damien drinks blood
- Jessie hasn’t seen Damien “in over two months”
- Doesn't know anything about Murders
- Denies any Satanic activity

These pre-interviews were not recorded or transcribed. The questions asked to produce such responses are not made clear (an issue that will become obvious when his actual transcribed interview was released publicly). Nonetheless, Jessie went into his polygraph asserting that he worked until 5pm Wednesday evening (after the boys were last seen) before going home and named two individuals who could theoretically verify this. It is unclear to me if this was ever followed up on. Per what may be called standard procedure, he signed his acknowledgement and waiver of “Miranda” rights (State v. Echols Casefile, 006154).³⁰

As was already mentioned, police noted that Jessie’s polygraph results indicated substantial deception ³¹(State v. Echols Casefile, 006122). This information was relayed to him in his post polygraph interview (State v. Echols Casefile, 006251). This interview was also not recorded or transcribed until the end. Instead, the same officers provided notes and a partial recording of the

³⁰Minors can, in theory, waive their Miranda Rights. However, since the 1960s, the Supreme Court does require rights be explained in language the minor can understand. Two qualifications seem relevant here: 1) the interviewed must be of average intelligence and 2) there can be no coercion. Both of these were arguably not met. (Caccarozzo n.d.)

interview. To clarify what will become a major sticking point in this case, I first review the notes and then illustrate with partial transcript. In their notes, police say Jessie indicated the following:

- He participates in regular meeting of "(Satanic cult.)" (Aside: Parentheticals are part of the notes and are not explained)
- Meetings all held on Wednesdays
- Names a variety of friends who attend these meetings, some of which are unknown to police:
 - Christina Jones
 - Jessie Dennis Carter
 - Jason
 - Damien
 - Adam (unknown)
 - Ken (unknown)
 - New Dude
 - Tiffany Allen
 - Domini
 - Christina Jones
 - Blond Hair Tall Heavyset (unknown)
- At said meeting, the regularly skin a dog and eat parts of it
 - This is part of ritual
- They bring a briefcase with “a couple of guns and some drugs. Marijuana and cocaine.”

- At meetings, there “will be 8 or nine people and they will have orgy afterwards 3 on one”
- Jason & Damien are having sex with each other.
- Has had meetings in Robin Hood.
- Jason carries a knife

More directly regarding the murders: Jessie also claimed he received a number of calls the morning (or after dark—according to the notes, he couldn’t recall) of the murder. The calls were allegedly from Jason. In the calls, he heard Damien in the background saying, “We did it!”, “What are we going to do now?” and “What if somebody saw us?” He also said he could hear Jason’s brothers in the background.

At some point in the interviews, police notes indicate that they show Jessie a photo of the three boys and he successfully identified the Moore. Jessie evidently indicated he didn’t want to be a part of the murders and that Damien and Jason killed the boys. The notetaking officer notes, “I left room at which time Jessie informed [star] Gary Gitchell of his being present during time of Murders. Witnessed Murder by Damien and Jason.”

For whatever reason, it was *after* all of this that the officers decided to record the interview. Given the trajectory of the case, reviewing this interview in some detail is important. The taped statement was given 3 June from 2:44pm-3:18pm.³² The entire interview is deeply revealing in terms of the psychological tactics used, but I will highlight a few central moments to illustrate. Please note, fictitious or not, **sections below describe sexual violence against children in detail.**

RIDGE: Witnessed by Michael Wayne Allen and myself, Det. Bryn Ridge.

³² <http://callahan.mysite.com/wm3/audio.html>

Okay, Jessie, let's go straight to that date, 05/05/93, Wednesday, early in the morning. You received a phone call is that correct?

JESSIE: Yes, I did

RIDGE: And who made that phone call?

JESSIE: Jason Baldwin

RIDGE: Alright, what occurred, what did he talk about?

JESSIE: He called me and asked me if I could go to West Memphis with him and I told him, no, I had to work and stuff. He told me that he had to go to West Memphis so, him and Damian with and then I went with them.

RIDGE: Alright, when?

JESSIE: Wednesday

RIDGE: Alright, when did you go with them?

JESSIE: That morning

RIDGE: 9 o'clock in the morning?

The first major detail to note: Jessie asserts that he went with Damien and Jason to Robin Hood *in the morning*. Remember, the three boys went to school and were last seen riding their bikes mid-afternoon *after school was out*. It was also confirmed that Jason Baldwin was also in school that day. This, presumably, would be a major detail suggesting police may have the wrong suspect.

RIDGE: Where did you go?

JESSIE: We went up to Robin Hood

RIDGE: You went to the Robin Hood, explain to me where those woods are.

JESSIE: By uh, Blue Beacon Truck Wash.

RIDGE: A little patch of woods

JESSIE: A little patch of woods

RIDGE: Behind Blue Beacon?

JESSIE: Behind it, right there behind it.

On the surface, this exchange reveals very little. Note, however, the way Detective Ridge is telling Jessie information he has not actually told officers. Jessie pliantly repeats and incorporates the information being given to him. In other words, there is no clear way to know if Jessie actually knew these details independently. Unfortunately, this pattern was applied to major pertinent details as well.

RIDGE: okay, what occurred while you were there?

JESSIE: When I was there, I saw Damian hit this one boy real bad, and then uh, and he started screwing them and stuff and then uh...

This provides a second major flag. Jessie asserts that Damien was “screwing” the boys.

Unfortunately, the rape kits returned showing no signs of sexual assault. Even aside from the absence of bodily fluids, anal penetration of a small child would most certainly cause catastrophic damage, of which there was none. Notice the detectives do not return to this detail and cut Jessie off. They change direction:

RIDGE: Alright, you got in front of you a picture, that was taken out of the newspaper I believe, it's got three boys and these are the three boys that were killed on that date in Robin Hood Woods, okay, which one of those three boys is it you say Damian hit? The third picture, which will be

JESSIE: Michael Moore

GITCHELL: This boy right here,

JESSIE: Yeah,

GITCHELL: Alright, that's uh the Byers boy, that's who you are pointing at?

JESSIE: Yes

RIDGE: If you read the caption, the grizzly slain from left, 8-year-old Michael Moore, Steven Branch and Christopher Byers. Okay, so you saw Damian strike Chris Byers in the head.

In my view, this moment is where the interview becomes truly disturbing from a criminal justice perspective. Several things to note. First, the police show Jessie a picture and ask who Damien hit (and raped, though they don't mention that again). Jessie confidently responds “Michael Moore” and *points to the wrong boy*. The officer gently tells him he's pointing instead to Christopher Byers and asks if that is who he means. Jessie, obviously, confirms this given the detective has just instructed him that is who he means. Worse, Ridge himself highlights the fact that the picture he is using *has a caption with the three boys' names*. Again, we now have no actual way of knowing if Jessie knew the boys previously. He was given a *labeled* photo. Also noteworthy—the name Jessie gave officers was, by Ridge's own words, the first name on the list of names police provided Jessie. It is extremely likely he simply read the first name. He then tells Jessie simply, “so you saw Damien strike Chris Byers on the head.” In the course of this dialogue, Jessie then says Michael Moore (again, the only name he uses voluntarily and the first

on the list he has been given) tried to run away. Jessie says he himself brings Michael back.

Ridge returns to pertinent details.

RIDGE: Alright, when you get the boys back together, where were you at from the creek?

JESSIE: I was up there by the Service Road

RIDGE: Up by the Service Road?

JESSIE: Yes

RIDGE: Okay, now when this, when he hit the first boy, where are they at when he hits him, are you in the woods, you're on the side of big bayou, you're out in the field, where were you at?

JESSIE: I was in the woods.

RIDGE: In the woods. Okay, you've been down there in those woods before, can you describe to me what in those woods, what's the location where you were?

JESSIE: Uh,

RIDGE: Is there a path that you go down?

JESSIE: Uh, down a little path

RIDGE: Alright, where does that path go too?

JESSIE: It leads out there close to the field, close to the interstate.

RIDGE: Okay

JESSIE: Close to the interstate

RIDGE: When he hits the first boy and then Jason hits another boy, and one takes off running, where does he run too?

JESSIE: That one, he runs out, out the park and I chased him and grabbed him and brought him back.

RIDGE: Which way does he go, I mean, does he go back towards where the houses are, he's going to Blue Beacon, is he going out towards the fields, where's he running too?

JESSIE: Towards the houses.

RIDGE: Towards the houses?

GITCHELL: Where the pipe is that goes across the yards?

JESSIE: Yes, he run out there and I caught him and brought him back, and I took off.

RIDGE: Okay, and when you came back a little bit later, now are all three boys are tied?

JESSIE: Yes

The pattern continues. Ridge and Gitchell ask a series of leading questions that supply information before Jessie offers it. He then regurgitates. This includes the path that he allegedly uses, the pipe (instead of the houses), and the fact that all three boys were tied up instead of just the one. As they continue, the detectives move the conversation to details of the violence that occurred. In one moment, they ask Jessie where the boys were cut and he informs them the boys were cut on their “bottoms”. Ridge then instead clarifies by asking if what he means by “bottom”

was actually the “groin area” and points to the pelvis. At the risk of belaboring the point, I do not know any teenager who would describe their “bottom” and by “bottom” really mean “penis”.

I raise one further example. The police, clearly unhappy with the mismatch between Jessie’s account and known events, return to the question of timing.

RIDGE: Alright, you went home and about what time was it that all of this took place?

JESSIE: About

RIDGE: I'm not saying when they called you. I'm saying what time was it that you were actually there in the park?

JESSIE: About 12

RIDGE: About noon?

JESSIE: Yes

RIDGE: Okay, was it after school had let out?

JESSIE: I didn't go to school

RIDGE: These little boys

JESSIE: They skipped school

RIDGE: They skipped school?

Jessie again maintains they were in the woods during the day. Not only is this known to be false in terms of when the three were murdered, it is also false that the boys skipped school. The police try yet again to get their correct answer.

JESSIE: I got there about 9

GITCHELL: In the morning?

JESSIE: Yes

GITCHELL: Wednesday morning?

JESSIE: Yes

GITCHELL: And

RIDGE: What time is it right now?

JESSIE: Right now?

RIDGE: Yeah, you don't know what time it is?

GITCHELL: Do you not wear a watch?

JESSIE: It's at home

RIDGE: So

JESSIE: My dad woke me up this

RIDGE: so, your time period may not be exactly right in what you're saying?

JESSIE: Right

RIDGE: It was like earlier in the day, but you don't know exactly what time, okay, cause I've gotten some real confusion with the times that you're telling me, but now, this 9 o'clock in the evening call that you got, explain that to me.

Again, Jessie emphasizes this all happened in the morning. The police instead point out that since he does not have his watch on *while he was being interviewed*, he must not have known what time the murders occurred. There are several problems here. First, he never says he doesn't wear a watch in general. Instead, he indicates he has one at home, meaning he very well could have worn one the day of the murders. They don't bother to ask that. Instead, they twist his lack of watch on the 3 June to suggest he wasn't exact with timing. Second, even if he was not exact with timing, Jessie was very clear it was morning, daylight, and during school hours. None of those statements apply to. The murders, which self-evidently must have happened in the evening. Third, Ridge then suggests that Jessie is giving confusing answers. Having listened to the provided recordings, I can confidently say that Jessie is very consistent with his answer about times. The only confusion appears to be coming from the police. It would be charitable to chalk it up to comprehension challenges.

The interview continues in much this way and is ultimately itself couched in hours of interviews that were never recorded. Reviewing the transcript in this way serves two purposes. First, it gives context to the "notes" the police provided regarding Jessie's interview and confession, raising substantial doubt about how they interpreted and represented said confession. The validity of the interview would eventually famously be challenged throughout a range of appeals and popular discourses about the case. In my view, those challenges are obvious, compounded by Jessie's status as a minor with severe learning challenges.

Second, such a careful review makes a larger point: the police very clearly had already pieced together a narrative about their perpetrators, even before they made an arrest. As Gatchet and Gatchet point out, the police were singularly responsible for inserting concepts related to

satanic cults into the conversation. For example, they ask Jessie about initiation ceremonies as if it was self-evident such ceremonies had been performed

“... Detective Bryn Ridge asked, ‘When you’re initiating somebody new ... what actually is done to initiate that person into the cult?’ (“June 3, 1993: First Statement”). Despite the fact that Misskelley had made no previous mention of any initiation ceremonies (and that the teens had never engaged in such clearly outrageous behaviors), he responded to the leading question by telling Ridge that prospective cult members were tasked with slaughtering dogs in order to prove their worthiness. They would later eat the leg meat, Misskelley said. And in a remarkable display of projection that shares troubling similarities with the American Great Plains Cattle Mutilation Panic of the 1970s, when imagined cults were believed to have mutilated the sex organs of cattle (see Ellis 240–78), Ridge asked Misskelley if he or the other teens would eat the penises of the dogs they sacrificed” (Gatchet and Gatchet 2017, 533).

Aside from the larger social process unfolding—the communal ritual of purification being set up—the interview reveals a deeper truth. Detectives in this case already knew who they believed were guilty and had internalized a complex narrative about the satanism they considered responsible, despite a total lack of logical evidence. Indeed, this “confession” was the only evidence they used as justification for the arrests that followed.

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