Max Scharnberg **:**

TEXTUAL ANALYSIS: A SCIENTIFIC APPROACH FOR ASSESSING CASES OF SEXUAL ABUSE

vol. 1

The Theoretical Framework, the Psychology of Lying, and Cases of Older Children.

UPPSALA 1996

Printed with support from the Swedish Council for Research in the Humanities and Social Sciences

Abstract

Scharnberg, M., 1996: *Textual Analysis: A Scientific Approach for Assessing Cases of Sexual Abuse*. Vol. I: *The Theoretical Framework, the Psychology of Lying, and Cases of Older Children.* Acta Universitatis Upsaliensis, *Uppsala Studies in Education* 64, 344 pp. Uppsala. ISBN 91-554-3680-3.

24 legal cases of alleged sexual abuse of teenagers are described, half of them extensively. Other main subjects are: the methodology of *textual analysis*; an outline of *the psychology of lying*; fundamental errors of psychiatric and somatic assessments as well as their historical genesis; deficiencies of the forms of legal proceedings; judges' actual reasoning. Also, a psychoanalytic treatment is scrutinized.

Textual analysis consists of objective and highly specific techniques for unearthing the authentic occurrences behind the allegations, e.g., investigating the physical possibility of the crime; combining all temporal information; juxtaposing only the questions or only the answers of an interrogation; searching for parallel order relations; complete specification of each of the possible alternatives compatible with the available data.

Psychology of lying comprises, inter alia: general and specific features of lies; traits enhancing proneness to lying and skill in producing a trustworthy impression; some 50 indicators of untruth; the strong tendency of most people to focus upon invalid indicators and overlook valid ones. - One prosecutor threatened to jail the boy-friend of a 14-year-old girl, if she did not admit that her father had raped her.

Clinicians are not superior to untrained laymen in assessing trustworthiness. They may take trivial symptoms as proof of abuse, conceal indoctrination, or even commit perjury.

Acknowledged experts on somatic findings may derive absurd conclusions from genetic variants; the spot caused by the flashlight; or combination of genuine facts and wild speculation.

It is a myth that incest cases are very difficult, whence the court can only *believe* one or the other party. The Swedish legal system is important to science because judges must produce written justifications of their verdicts and punishments (there is no jury). The judgements reveal countless severely false recollections; a low capacity for combining facts; substandard reasoning; decisions based on subjective feelings. Since 1993 *evidence*

refusal has become widespread: to prevent acquittals, judges may forbid the defence to present crucial evidence.

The psychoanalytic treatment was performed by a *famous* analyst, and was not audio-recorded *for research purpose*. It may throw much light upon recovered memory therapy. Every psychoanalytic claim is refuted. Ignoring unconscious phenomena, the analyst tries to enforce *conscious* acceptance of offensive and book-learned interpretations. He has no insight into the patient's mind, sees his own behaviour as friendly and objective, and perceives the patient's doubt in manifestly false interpretations as coarse insults.

Key words: Sexual abuse, case-studies, textual analysis, psychology of lying, indoctrinated allegation, somatic signs of abuse, psychiatric assessments, clinicians' competence, psychoanalytic theory, audio-recorded psychoanalytic treatment, judges' actual reasoning, legal proceedings

Max Scharnberg, Department of Education, Uppsala University, P.O.Box 2109, S-750 02 Uppsala, Sweden

ISSN 0347-1314
ISBN 91-554-3680-3

Typesetting: Editorial Office, Uppsala University
Printed in Sweden by Gotab, Stockholm 1996
Distributor: Almqvist & Wiksell International, Stockholm

Table of Contents

The table of content is common to vol. I and II.
Vol. I comprises FIRST to NINTH BOOK, chapter 1-68, and §§ -1-488.
Vol. II comprises TENTH BOOK to APPENDIX, chapter 69-125, and §§ 500-925.
Cross references are invariably given to paragraphs (or chapters or books), but never to pages.
Quotations, tables and figures are given a number which indicates the paragraphs to which they belong. Q-625:6 means the sixth quotation in § 625.

*

* *

*

* *

to

A, A, A, A, Å, B, B, B, B, C, C, D, D, D,
E, F, G, H, H, H, H, H, I, I, J, J, J, J, J, J, J,
J, K, K, K, K, L, L, L, L, M, M, M, M, M,
M, M, N, N, N, O, O, O, P, R, R, R, S, S,
S, S, T, T, T, T, T, U, U, U, U, U, Y,

innocent victims of the witch craze for incest offenders

Preface and Introductory Survey to Vol. I and II

The present report is strictly empirical, and its most central aims are as follows:

(a) Methods for distinguishing true and false sexual allegations will be developed. Such methods must be objective and guarantee correct assessments. But they need also be transparent, so that they can be applied by individuals who have undergone no prolonged training.

(b) A widespread idea will be thoroughly refuted: “cases of sexual abuse of children are excessively difficult: judges or jurors cannot do anything else but *believe* one or the other part. If we were not entitled to send people to prison on the basis of a subjective belief, abuse could never be prosecuted at all.”

(c) What actually takes place in and around the courts, will be described: the kind of evidence presented *or* concealed, gathered *or* manufactured; the reasoning of judges; etc.

(d) Prominent constituents of a historical period will be documented. If future historians would try to explain why the late 20th century was caught by an irrational craze, they will (inter alia) need the kind of data I have secured, and the kind of analyses I have performed. However, if they should start to search for the relevant data (many of which may have been lost), and to perform the relevant analyses from scratch, their endeavour might be much more difficult, and perhaps not even possible.

In my book on Freud I included 17 incest cases. Quite a few readers have criticized the fact that I concealed the identity of the experts and others involved. In retrospect, I feel this criticism is justified. And in the present volumes only the defendants, the injured parties, and their relatives are anonymous.

I must apologize for the dedication of the second volume. Many of the defendants - and foremost Elvira's father - have suffered more than the Drs. called Laurence Autonne and Emil Gendel. But measured in terms of the number of persons who have forged the evidence, “the cutting-up trial” merits the primary position.

Eight years ago Robert Emans (1988:1000) wrote: “Techniques often associated with psychological science play a prominent part in the process that results in many of the false accusations. [...] The psychological profession's inability, or unwillingness, to speak out against the misuse of unscientifically based instruments in child abuse may be a partial reason why portions of the public may question the value of psychology.” These words are as true today. The emergence, growth and victory of the incest ideology

was a very gradual process; in 1996 it can perhaps celebrate its 25-year-anniversary.

During history an innovative and a conservative position have often stood against each other. Either of them may be the more unethical one. But the former usually won, in part because of the vitality of its proponents, but even more because of the passivity of its opponents. I have taken strong impression of Gallén's (1961:203f.) paper on the religious struggle in Denmark during the 16th century. The Catholics debated formalistic questions in Latin. The Protestants celebrated divine service in each and every church in Copenhagen, with sermons in Danish, 7 times a day on weekdays and 12 times on holidays. Likewise, they produced a wealth of popular defamatory ballads.

In the 1960s it was often claimed that the majority of university teachers of psychology were opposed to psychoanalysis. Whether or not this was correct, it *was* true that the proponents fought zealously and in public for their view, while the opponents at most had the courage to utter an occasional sceptical remark in privacy.

Twenty years later the same pattern was repeated as regards the incest ideology. The latter could probably have been nipped in the bud, if a limited number of people had deemed it worthwhile.

Some purist academicians think their science is depreciated, if ”too foolish” ideas are directly refuted rather than merely ignored. Hence, they may strongly oppose colleagues who devote themselves to factual or logical refutation. After a decade the very same academicians may notice that the ideas in question have incessantly been presented as the absolute truth and have never been criticized. Consequently, they may come to feel that there must be some truth in the ideas.

While the final version of my manuscript was worked out, two important persons deceased: Berl Kutchinsky and Birgit Hellbom. The former's contributions to criminology are internationally esteemed. It may not be known that he was the only witness psychologist in Denmark. And more than anyone else, he prevented the incest craze from monopolizing professional and lay opinions in Denmark. - This is not to deny that numerous innocent people were convicted. Nor have I overlooked the prolonged and extremely important fight to correct what had gone astray, by the reporters Poul Bøgh and Niels Tobiesen and the attorney Mogens Tange.

Birgit Hellbom was one of the two expert witnesses who produced the most superior writing in the entire history of witness psychology. (I shall extensively borrow from it in the second volume.) Despite her progressing illness, she read the first draft of the 10th and 11th books and the appendix, and contributed with invaluable advice.

The series of articles in *San Francisco Examiner* in April 1993 had an enormous impact on Sweden. For the first time in many years, criticism of the incest ideology was no longer completely prevented. Nonetheless, I was never in doubt that the incest ideologists would just change their strategy to

try to recapture what they had lost. Actually, they are today stronger than in 1992; but rational opposition is also stronger.

In 1985 Gill-Wettergren & Gill published their extensive documentation of a case, in which evidence was forged by a large team of medical doctors, social workers, and others. But from 1986 to 1992 not a single critical book was published in Sweden. In 1993 the silence was broken by an autobiographic novel by Ulf Gyllenhaak (*Where is Daddy?*), Lennart Hane's *Justice and Psychology*, and my own *The Non-Authentic Nature of Freud's Observations* (the last one not in Swedish). In 1994 Bo Edvardsson and his students produced a series of meticulous research reports, which were however not available through the commercial market. In 1995 the attorney Pelle Svensson thoroughly documented a series of trials where the legal system had gone astray, in *The Twilight Country*. While the present manuscript is being printed, so is *Sex, Lies and Therapists* by the reporter Lilian #Öhrström. I hope both these books will not only have many readers, but will duly impress the authorities.

Some of those persons to whose criticism and advice I am deeply indebted, want to remain anonymous. Among the others I shall express my gratitude to the professors Udo Undeutsch, Germund Hesslow and Lennart Sjöberg; Dr. Rudolf Schlaug; Bo Edvardsson (whose students of social work at the University of Örebro will after three weeks make better investigations than almost any professional social worker); the witness psychologists Nils Wiklund, Astrid Holgerson and Lena Hellblom Sjögren; the attorney Peter Haglund. As I said in a former book, Haglund has in trial after trial fought for innocent defendants, as if the fate of his own brother were at stake.

Court archives have in general been very helpful, and some of them exceedingly so.

Among libraries the following ones must be listed, all of them in Stockholm: The Royal Library, The Psychological and Educational National Library, The Library of the University of Stockholm, the Municipal Library (in particular the branch in Kista), The Library of the Swedish Film Institute.

Without the support of Karl-Georg Ahlström, this report might never have seen the light of day. I am also indebted to *The Swedish Council for Research in the Humanities and Social Sciences.* The Editorial Office at Uppsala University has spent labour in excess of normal obligation. Donald Luscombe has corrected my English.

If all other chapters start with an ingresse, the preface will instead end with a motto by Hans-Jürgen Eysenck: *”People who believe absurdities will commit atrocities”*.

M. S.

First Book

Some Fundamental Procedures of Textual Analysis

Chapter 1
Preliminary Issues

The point of departure of the prosecutor is always that nothing happened, until anything else has been proved.

Lennart Melin (prosecutor, June, the 1st, 1992)

Self-evidently, the prosecutor always takes as his point of departure that the alleged victim is telling the truth.

Lennart Melin (June, the 2nd, 1992; in the very same case)

§1. Certain circumstances which are crucial to the understanding of the legal field as such, can easily be studied in Sweden but hardly in any Anglo-Saxon country. If the verdict in a legal trial or suit is produced by inexperienced laymen chosen at random for a single case (a jury), there is no sense in developing a judicial discipline aimed at formulating rules about what circumstances should count as sufficient evidence. But in Sweden a discipline exists whose name I shall translate as *"evidence evaluation"*. The field could have a potential for growth, though the quantity of writings has so far been more impressive than their quality.

§2. The jury institution has raised considerably more serious obstacles to *witness psychology* than to evidence evaluation. The former has a long standing and a high quality in Sweden. Like meteorology (which is not concerned with meteors), the name is not entirely appropriate: the field is concerned with the assessment of the truth value of accounts presented by witnesses, defendants, injured parties, plaintiffs and respondents. The approach is *scientific*: experimental results and other rational considerations are applied to a single case. Psychology is in the possession of no little amount of knowledge about memory distortions, validity of honest accounts, and indications of intentional deception.

Such knowledge would hardly be worthwhile to gather in countries, where the jury must not be exposed to "undue influence". Europeans are often dumbfounded by what is in the U.S. considered undue influence; and even more by what is *not* deemed to be so. But because of the absence of a jury, the Swedish expert witness is free to make statements about concrete circumstances, including the question of guilt.

§3. Many features of the Swedish system differ radically from the Anglo-Saxan counterparts. Misunderstandings are hard to avoid, unless certain basic features of the legal framework are supplied from the start.

In most European countries every court is supposed to apply the law

exactly as it is passed by the parliament. No court is permitted to reject a law on the ground that the latter is not in accordance with ”the right reason” or other abstract entities. At least in theory, any innovative court decision could only be intended as a means of *clarifying* a law, in such respects that the parliament has not made transparent.

In Sweden, the *same* members of the court decide the question of guilt, and meet out the sentence. Each member has an equal and individual vote. Hence, protracted negotiation to reach consensus is non-existent. On the other hand, a life sentence instead of total acquittal may be based upon the result of 3 votes against 2.

No judge is elected. A judge with legal training is appointed for ever, while *lay judges* are appointed for four years. Lay judges are appointed by the municipal authorities. But they are proposed by the (5-8) political parties in accordance with their proportion of the votes at general elections. This procedure is intended to achieve representativity.

In the district court the trial will be handled by 4-7 judges (depending upon the maximum punishment for the alleged crime). 1-2 will be legal judges. In the Court of Appeal there are 3 judicial and 2 lay judges, while there are no lay judges in the Supreme Court.

§4. A judgement must be appealed within a few weeks, or else the right to appeal is lost. The judgement of a district court can always be appealed, but the Supreme Court may (and usually will) reject the appeal. After proceedings in 1-3 courts, the judgement is final. There is no counterpart to the American pattern, where a case may run endlessly through numerous different courts.

If a judgement is final, only the Supreme Court may re-open the case, and only on the ground of a few pre-specified kinds of circumstances. During the last five years, a total of three cases of sexual abuse of children have been re-opened. (In Denmark there is a specific ”New Trial Motion Court”, distinct from the Supreme Court. An unusual feature is that the New Trial Motion Court may grant a deceased convict a posthumous acquittal.)

The verdict on the guilt may be appealed just as well as the severity of the sentence. This is in my view an extremely important rule. One of the worst possible points of departure for a defendant is to be innocent, to have a good conscious, and to have confidence in the legal system. If the absence of any evidence is flagrant to anyone, he may think that any attorney is as good as any other. Not until he is convicted by the district court will he understand that things are serious. Then he may shift to a more responsible lawyer, who may engage a competent psychologist. Obviously, a fair trial in the Court of Appeal will require that the verdict is produced by people who have not already taken a stand as to the question of guilt.

§5. One can only guess how a jury arrived at its verdict. By contrast, a Swedish court must produce a written judgement containing *the justification* of the verdict. Unfortunately, the justification may too often consist of trite phrases.

However, the written justificatory arguments may unambiguously reveal many defects, e.g. logical and factual errors. Swedish proceedings tend to make people drowsy. The typical theatrical acting, staging and role-playing of the American legal system, are completely absent. As it can be directly seen from the written judgements, judges may have grossly false recollections of what was said. Their reasoning may be manifestly invalid. They may overlook crucial statements. They have a very low capacity for *comparing* statements made at different times, regardless of whether the intervening interval is five minutes or five months. But the comparison of two seemingly insignificant statements, may have excessive evidential power which runs counter to the verdict.

Such errors may be pointed out in a higher court. They may (though not often successfully) be invoked as grounds for re-opening the case.

§6. What Lenore Terr stated in the Paul Ingram case, is commonplace in Swedish trials. But exactly because such testimonies are explicitly permitted by the law, and do not depend upon the whims of the individual judge, quite a few attorneys know how to fight them. I hasten to add that the overwhelming majority of Swedish lawyers are extremely incompetent in handling cases of sexual abuse, and they are manifestly uninterested in the outcome. Moreover, *evidence refusal* has since 1993 become a recurrent phenomenon.

American theory and practice are inconsistent, and different judges may make very different decisions. Substandard expert testimonies may be permitted while high quality testimonies may be disallowed. A psychiatrist may see a child, gather no non-trivial observations, and mechanically project book-learned ideas upon the child. A psychologist may deduce what really happened. He may use the available data and logical procedures which a layman can follow, although they are advanced. And then the judge may decide that the psychologist could only testify on what the jury knows in advance, while the psychiatrist will testify on facts unknown to the jury. - It is not worthwhile to perform scientific research and obtain important results, if legal decisions prevent their application.

Once more the real difference between Sweden and the U.S.A. is not mirrored by the verbal laws. Both kinds of testimonies may be permitted, but judges may perceive much more evidential power in the psychiatrist's sham facts.

§7. In the U.S. an approach related to witness psychology has eventually emerged under the name *statement validity assessment*. I cannot evaluate this tradition, since I have seen no investigation of a concrete case, and the published papers contain little case data.

But there is little need to define the pattern of overlapping and non-overlapping areas of ”witness psychology”, “statement validity assessment” or “textual analysis”. And the pattern will probably not remain constant even over the next decade. The oldest approach which is still viable is German *”Aussage Psychologie”* (statement psychology) (Stern, 1903, Undeutsch,

1957). Textual analysis as such is very old, but it was not introduced into psychology until Wolpe & Rachman (1960). - In the courts I have always emphasized that I am not a witness psychologist but a textual analyst.

Three of the most superior witness psychological works are Trankell's (1974) investigation of a mythomaniac presenting himself and a handful of his acquaintances as Russian spies (160 pp.); Hellblom Sjögren's (1993) analysis of the case of Delphine & Solange (150pp.); Elizabeth Loftus was also engaged in the latter, which we shall take a look at in ch. 105. Third, Holgerson & Hellbom's (1991) investigation of the Swedish ”cutting-up trial” (121 pp.): Two medical doctors were on the basis of psychoanalytic interpretations of a three-year-old child's trivial and fragmentary words, found guilty of having performed a sexual desecration of the corpse of a prostitute. Supposedly, they had eaten the eyes of the corpse, while the then 17-month-old daughter of one of the doctors had been an eyewitness. A textual analysis of this case will be provided in *the tenth and eleventh books*.

§8. If anyone is to be listed as the very first one to undertake a systematic study of the trustworthiness of witnesses, it must be *Voltaire* in his *Prix de la justice et de l'humanité* (Brandes, 1917:516f.).

While witness psychology was from the very beginning related to legal cases, *textual analysis* originally developed within the science of history, and it has still no specific field of application. By and large, results obtained by textual analysis have been in need of modification in the light of more recent knowledge, to a lesser extent than results obtained by experimentation (whether within psychology or the natural sciences). Examples also exist of bold conclusions deduced exclusively from published writings, which have been confirmed by historical documents dug out later (though they were of course in no need of any confirmation).

I entered the field of legal trials after long-standing research in the history of psychology. This background of mine is important. Quite a few observations in the psychological literature are faked. Forged data may be exposed if private files become accessible; but they seldom do. Many forgeries can be exposed solely by a textual analysis of the published text. A writer may not recall his own fabrications from one page to the next. Juxtaposing all his statements concerning the same thing, may conspicuously reveal their fictitious nature. Under favourable but infrequent circumstances, the textual analyst may even identify a unique state of things, which alone could have given rise to the particular bunch of false versions asserted at different places.

A particularly lucid work in this field is Esterson (1993). He applies the entire armoury of textual analysis for establishing that all Freud's non-trivial clinical observations are deliberately faked. He points out the specific persuasive techniques, which for a century made thousands of readers blind to the most manifest content of Freud's writings. He describes the concrete devices applied for producing the firm conviction in the reader, that the writer is absolutely truthful.

§9. A general principle of the Supreme Court is that a case can only be re-opened if new evidence has emerged, which was unknown when the final judgement was previously passed. The aim of this principle is to present judges as infallible: it *was* correct to *convict* the defendant on the basis of the body of evidence presented at the *first* proceedings; and it *was* correct to *acquit* him on the basis of the *second* body of evidence. Supposedly, if *the same evidence* could lead to opposite verdicts, the lower courts would be confused.

But any Swedish judge knows the following: if the Court of Appeal would in a case today produce exactly the same judgements on the basis of exactly the same laws and exactly the same body of evidence, as in some famous case where a new trial motion has been rejected, the Supreme Court would reverse the judgement before it became final. Thereby, exactly the same ”confusion” would emerge.

In general, the Supreme Court holds that a new investigation by an expert is *not* to be deemed to be new evidence. This is an unethical principle, and it is *not* a mere clarification of a law passed by the parliament. (More about this in §870.) However, in case no. Ö 61/1992 of the Supreme Court, the national prosecutor made the legal admission that “Scharnberg's textual analysis” is clearly to be considered “new evidence”. Until the Supreme Court makes a new decision, this admission has legal force.

§10. Esterson's above mentioned book is relevant in the present context, and also because of a quite different reason. I have coined the expression *the incest ideology* about the tendency of seeing an abundance of sexual abuse where there is none. Psychoanalytic theory is a corner stone of the incest ideology (although many contemporary psychoanalysts reject this ideology). Numerous persons have been sent to prison on the basis of no evidence apart from psychoanalytic interpretations.

For a whole decade, psychologists and lay men all over the world debated whether Freud made a mistake in 1896 by believing his patients' fantasies about sexual abuse; or whether Freud made a mistake 10 years later by rejecting his patients' authentic accounts. None of the debators perceived the flagrant content of Freud's papers: *he* was the one who invented the seduction ideas; the latter were *interpretations* not observations; and he forced them upon his patients *under great resistance*.

But on different pages Freud transformed the interpretations into observations, put them into the mouths of his patients, and feigned to have been highly surprised by the “accounts”. - If the latter version is the true one, no believable motive can be constructed as to why Freud had ever presented the former version. But the reverse hypothesis will pose no problems.

Note therefore: contemporary psychologists' methods for disclosing sexual assaults, are based upon a historical case of forged clinical observations.

Independently of each other, Macmillan (1991), Esterson (1993),

Israëls & Schatzman (1993) and Scharnberg (1993) arrived at identifcal conclusions.

§11. It is a poor habit to indulge in methodological speculation. The history of any science defies all armchair philosophy as to the order in which problems must be solved. (Our fundamental knowledge of the structure of atoms has been derived from the study of stellar light; not vice versa). It is not true, that we must first discover in the psychological laboratory (or in the clinical consultation room) what features are valid indicators of lying; and afterwards we may *extrapolate* such results to the analysis of historical texts or to testimonies in the court room. Experimentalists have much more to learn from historians about the psychology of lying, than vice versa. It is seldom possible to construct a non-trivial experimental design, until one has got rather specific ideas as to what to look for.

In Sweden I am accustomed to meet an objection which may be of little interest to international readers. Many of my analyses are said to be quite beside the mark, because it is the obligation of the court to base its judgement exclusively upon the oral proceedings; the court is forbidden to take any consideration of the police interrogation. Many aspects of the objection need be and will be discussed elsewhere. But the objection itself is manifestly false: the courts have a great freedom of doing whatever they prefer. In the case of Rachel we may read in the judgement by the Court of Appeal that *because* of the explanations the defendant has given during the interrogation in this court, what he has said during the police interrogations will not be used as evidence against him.

§12. A few further facts and definitions. In Sweden, the defendant is almost invariably interrogated extensively during the trial. But he cannot swear an oath and testify. The injured part or a plaintiff can swear a "semi-oath" and make a "semi-testimony", whence he or she could commit "semi-perjury". (Swedish jurists may not like my terminology, but it is factually correct and easy to understand.) The difference is that punishment for semi-perjury is significantly less than for perjury.

An "injured-party-lawyer" or, for short, the i-p-lawyer, is a lawyer given to the injured party - even to infants - to take care of their interest. Officially, the i-p-lawyer is not a second prosecutor, but in practice he (or more often "*she*") is so. In contrast to the defence counsel, she is not bound to take the same stand as her client. Even if a teenager wants her father to be acquitted and claims that he did not abuse her, the option is open to the i-p-lawyer to try to send the father to prison, if *she* deems this to be in the best interest of her client. The i-p-lawyer will usually work in close collaboration with the social agency, the psychiatric clinic, and the prosecutor.

In contrast to the prosecutor, the activity of this lawyer is not restricted by any considerations of the legal safety of the individual. She will carefully scrutinize the documents, spot the weak points of the accusation, and train her client to "improve" them. In the Södertälje case of recovered memory therapy, the district court explicitly stated a number of justificatory reasons as to why the mother was acquitted (while the father was convicted). Afterwards the i-p-lawyer taught the girl to change her version on each of

these points before the trial in the Court of Appeal. The judges were perfectly aware of the close parallel between the changes and the justificatory reason. They were also aware of how i-p-lawyers usually work. But they feigned to believe that the new version was true.

In most Swedish trials, the version the judges will hear in the court - and to which they will attribute "the stamp of authentic experience by the girl herself" - has been manufactured or "improved" by the i-p-lawyer. It is usually this second-hand version which the defence will have to fight.

Chapter 2
The Physical Possibility of Performing the Postulated Crime

> *When the court has started the prosecution, it is firmly convinced of the guilt of the defendant. If I should paint all the judges side by side on a canvas and you would defend yourself before this canvas, you would have more success than in front of the real court.*
>
> #Franz Kafka

§13. Repeatedly, the following argument is disseminated by judges, prosecutors, police officers, social workers, members of the government, reporters etc. *Cases of sexual abuse belong to the most difficult ones. The only persons who know what happened are the alleged offender and the alleged victim. Judges can never do anything other than BELIEVING one or the other person. If a suspect could not be sent to prison for years or decades on the ground that the court BELIEVED that he was guilty, such offences could not be prosecuted at all.*

It is a strange conception that it is compatible with a democracy to send people to prison on the ground of a subjective belief. But another point is more important. I have been the expert witness appointed by the court or engaged by the defence, or else the expert of the defence, in some 25 cases. As a researcher, I have carefully and extensively scrutinized more than 20 further cases (in fact, I worked as a researcher with this topic for some time without guessing that I would eventually do practical work). I am to a greater or lesser extent familiar with more than 40 additional cases. Difficult cases might exist. *But to this date I have never encountered any.* The most frequent pattern is that the body of evidence contains facts which unambiguously reveal what happened. But neither the judges nor anyone else (usually not even the defence counsel) pay attention to these facts or to their significance.

§14. The role and function of the judges will be discussed in later chapters. But one principle must be stated immediately, and its importance can hardly be exaggerated.

The situation of a judge or a juror may aptly be compared with that of a thief standing next to a rushing river during a flood. All kinds of objects and fragments will pass by at an extraordinary speed. Most of these things are rubbish or else worthless. But now and then something of great value will appear. Then the thief must instantaneously perceive that this object is worth drawing up, and catch it in flight.

During legal proceedings the words will just whirl around, and the

judges (and jurors) will miss most of the facts. Whether the trial resulted in a conviction or acquittal, I have to this date encountered only one Swedish judgement (by the district court in the case of Pontus), in which the judges noticed the relevant facts. But they did not have to *combine* different facts.

§15. One of the very first questions which should be asked is this: *Is the postulated act physically possible at all?*

Roum is a Danish village in the municipality Møldrup, which has about 7000 inhabitants. In the Møldrup case a psychotherapist (Sine Diemar) had trained her child patients to recall promiscuous sexual orgies and assaults in a certain house, which had been video-taped. The prosecutor realized that a case with 35 defendants would result in 35 acquittals. Hence, she made 29 of them disappear in silence. They were not even interrogated by the police, and the courts knew nothing about their existence. The remaining six were convicted.

A few years later two reporters (Poul Bøgh and Niels Tobiesen) asked themselves a few questions. What kinds of video cameras existed in 1988? How much electrical current would they have used? What kinds of electrical wirings are (still today) found in this house? How large a load would they stand before the fuses would break? They went there and found that the fuses broke immediately when the camera started. In other words, a very simple test revealed that the alleged sequence of events was physically impossible.

§16. In the trial which I shall call *the football case*, 13-year-old Wendela claimed that her father had come into her room during the night and had performed complete acts of fellatio upon her. At least on two occasions she was completely asleep during the act. She did not wake up until he closed the door from the outside. Wendela did not claim to have been given any drug to prevent her waking up.

Nor did she have male semen in her mouth when she woke up. During the first police interrogation she was not sure whether she had actually felt her father's penis. It might just as well have been her own thumb, because she often slept with her thumb in her mouth.

Elsewhere, we shall see independent proof that the Court of Appeal was aware of the innocence of the father, when they convicted him. Inter alia, the judges forbade the defence to present most of the evidence, and appointed as the “impartial” expert witness of the court, a psychologist known in advance to always arrive at the “conclusion” that the suspect is guilty.

It would be an amazing achievement to perform a complete oral sexual act upon a sleeping 13-year-old girl without awakening her. The Court of Appeal (Widebäck, Envall, Persson, Hägglund, Högel) must have realized this, whence they “improved” her account: she was merely *half* asleep. To the expert witness was attributed the odd statement that it would have been impossible for Wendela to know or recall such an act if she had been half asleep.

§17. A second aspect is less apparent. The bed is 122 cm broad, and

its left side and head side are placed against the walls. But suppose the father had the luck of finding the daughter asleep with her head directly at the right side of the bed. According to Wendela, he was during the act standing with his knees against the edge of the bed.

The expert witness for the defence suggested that the judges place a football in a bed as a symbol of the girl's head, stand with their knees against the edge, and try reaching far enough to touch the football. The height of the bed is 47 cm. My height is 169 cm. I cannot do it, but I can do it in a significantly higher bed. However, the height of the defendant is 182 cm, whence he must need an unusually high bed.

If the father stood with his knees on the floor, why would Wendela have distorted his position? Some of her statements might be so interpreted that he (sometimes?) stood with his knees *in* the bed. The reader may try for himself to figure out all possible positions satisfying this condition plus the condition that the girl did not raise her head. Is any of these positions believable?

§18. *The case of the broken elbow* was briefly touched upon in Scharnberg (1993, I, ch. 29). Here, we shall be concerned only with the physical possibility. Fourteen-year-old *Embla* girl claimed that her father had performed 40-50 acts of sexual intercourse. All of them with one exception were performed in her own room in the missionary position. The exception was a face-to-face position in the car.

But then it turned out that Embla was a virgin.

During the police reconstruction of the act in the car, Embla's *female* i-p-lawyer acted the role of her father, in accordance with the girl's instructions. Manifestly, Embla had no idea of how sexual intercourse is performed. A man would have to have his penis located near his left knee in order to perform coitus in this position. If a male had acted the father, he would spontaneously have realized the impossibility of following the instructions.

§19. As far as can be seen from the deliberately vague judgement, the Court of Appeal (Larsson, Stenkvist, Jonsson, Danielsson, Pettersson) reasoned as follows. Even if the hymen is intact, the father might have rubbed his penis against the exterior parts of Embla's sex organ. [But in that case, would the missionary position be very appropriate?] Since Embla was a virgin, she might have thought that this is coitus.

As if this was not enough, the elbow of the father was broken and infected after a recent car accident. His doctor assured that he *could not* perform sexual intercourse in the missionary position.

§20. The trial of Filip Igelbeck (in Sweden known as “The Umeå case”) is an instance of recovered memory therapy. Probably because the mother made many attempts to get rid of the foetus, the child was deformed. Inter alia, she had a hump and only one arm. Without intensive physical training, she would soon have become a passive object at an institution, confined to a bed. If she had not had a dangerous but successful surgical

operation in her teens, she would today have been dead, after suffering intensive and prolonged pain. Her body would have proceeded to grow in such a way, that there would eventually have been too little room for her heart and lungs. We may understand a child's hatred of a loving father who forced her to submit to those things which were inescapably called-for. But we cannot excuse the intrigues of the authorities. The result of such intrigues may be that no one will dare take care of a sick child (cf. §167). And where are these children then supposed to go?

In Elfriede's middle teens a number of therapists and social workers at the child psychiatric clinic, Children's Rights in Society (BRIS) and the On-Duty-Service for Maltreated Women (all of them in the town of Umeå), implanted the idea that her father had sexually abused her for ten years. Elfriede refused a gynecological examination. The father was nonetheless convicted because, as is claimed by the Court of Appeal (Skarstedt, Ingvarsson, Persson, Westmark, Lindström), the girl had made “an exceedingly trustworthy impression”; “Elfriede has manifested herself as being to the highest degree trustworthy, and what she has recounted bears the stamp of an authentic experience”.

When the father had been in jail for some years, it turned out that Elfriede was still a virgin. The Supreme Court twice refused to re-open the case. Eventually, the therapists convinced the girl that she had partaken in ritual abuse involving a total of 33 individuals, and some of these were very prominent persons of the town. The case was finally re-opened and Igelbeck acquitted. But all his subsequent attempts at saving his daughter from the memory therapists, have been in vain.

Chapter 3
Combining Temporal Relations: the Case of Erna

That seems to me to have the stamp of truth upon it.
Oscar Wilde

Woüber Menschenstimmen schweigen, darüber sprechen und schreien gegossene Buchstaben.
Johann Gottfried Herder

§21. *It is a normal feature of human equipment to have immense difficulty in surveying more than two temporal relations, without the assistance of pencil and paper or other tools. Judges are no exception, as their written judgements unambiguously prove.* Neither am I as a textual analyst. It is more easy, even to the average judge, to multiply two five-digit-numbers by mental arithmetic. What *is* an unacceptable state of things, is (a) that judges (and jurors) are not aware of their limited capacity, a decifiency which makes them more or less destined to produce a large proportion of false verdicts; and (b) that they are not motivated to search for ways of remedying the present state of things.

If more than two temporal relations are combined, it may turn out that the defendant had a perfect alibi; or that the crime was impossible in other respects; or that a completely different authentic sequence of events could be dug out.

§22. Only scattered remarks on “Lucinda” were presented in Scharnberg (1993, I, ch. 31). She will henceforth be called “Erna”. When she was 18 years old, she accused the husband (“Dag”) of the mother of the day family she attended when she was 10 to almost 13, of having slept with her, perhaps as many times as 300. Eighty to ninety per cent of the acts had been performed in the afternoon between 1 and 3 o'clock p.m. in Dag's bedroom on weekdays.

He was unanimously convicted by the district court. The justifications of the verdict were that Erna was highly trustworthy; that her account bore the stamp of authentic experiences; and that it was proven beyond any reasonable doubt that she and Dag had had the opportunity of being repeatedly together in Dag's bedroom.

In the present context I shall disregard the personality of the girl to whom the judges (Björklund, Lundén, Åseskog, Johansson, Avedal, Andersson) applied these standard phrases. Half a dozen of the co-workers of the prosecutor were perfectly aware that Erna was semi-psychotic and was accustomed to emit false accusations, inter alia about sexual assaults. She did so in such situations where other people might say “You bloody

idiot!” The girl was highly surprised when the doctor who treated her diabetes, selected *one single person* among those she had accused, and reported him to the police. In the present context we are solely concerned with temporal relations.

§23. The exact hours when Erna had been at the day family were registrered in the computer of the municipal administration. Every day he was absent from his work because of illness was registered by the Social Security System. Every day of absence because of other reasons was registered at his job. When these three categories of facts were put together, date by date, it turned out that, during the entire period of 33 months, there was a total of four days when both had had the physical possibility of being together on weekdays during any part of the interval from 12 o'clock to half past 4 o'clock.

Chapter 4

Combining Temporal Relations and Identifying the Particular Weekday: the Case of Betsy

[*The cat to the mouse:*] *I'll be the judge, I'll be the jury.*
I'll try the whole cause and condemn you to death.
Lewis Carroll

I consider my
Dr. Gunnar Bernler (about MS)

§24. Although the case of Erna is also concerned with an alibi, I have decided to use the term *the alibi case* only about the one to be presented now. A few facts were provided in Scharnberg (1993, I, ch. 29). As we shall see later, 15-year-old Betsy was depressive. After continual pressure for seven weeks from the school nurse, the school welfare officer, and a social worker, Betsy confessed (in 1988) that her father had raped her 6-8 times. He started in 1984 when she was 11 years old, during the first weekend after her mother left the family. Betsy's mother actually left in 1986 when Betsy was 13.

The last act occurred in the evening. The following day she went to school. After coming home from school, she felt so depressed that she tried to take her life.

This information was provided only seven weeks after the last rape. Note also how intimately the rape and the suicidal attempt are embedded into a coherent and meaningful pattern. It would be a far-fetched ad hoc hypothesis that Betsy had just mistaken the date.

§25. But the temporal proximity between the two events enables an almost exact dating of the last rape. On September the 9th Betsy made a visit to the social agency together with the school nurse. At that date she had not yet any scar nor a bandage around her wrest. On September the 12th the school nurse changed the bandage for the first time.

However, *the most crucial fact in the entire case is that September the 9th was a Friday*. Identifying the particular day of the week of an alleged crime is an important methodological technique, which may sometimes yield an unexpectedly high return. But before showing *why* this fact is so significant in the present case, I shall illustrate how judges usually reason. Their specific logic can easily be derived from a comprehensive set of written judgements.

> "There is external evidence that Betsy actual cut her wrist during the first weekend of September. This means that her account of the rape *can be connected to an*

objective circumstance known for certain to pertain. This connection constitutes a reason to think that the account of the rapes is true.

September the 9th was a Friday. It is a general experience that more acts of rape occur on Fridays and Saturdays than on any other weekdays. This circumstance is too weak to ground a conviction on it. But if the particular weekday indicates anything at all, it would speak in favour of the hypothesis that the father actually raped the daughter." [Q-25:1]

§26. A textual analysis would first of all emphasize that the body of facts is compatible with two and only two temporal patterns. *Either*, Betsy was raped on Friday evening, *went to school on Saturday*, and tried to take her life *after coming home from school on Saturday afternoon*.

Or else, Betsy was raped on Saturday evening, *went to school on Sunday*, and tried to take her life *after coming home from school on Sunday afternoon*.

As if this were not enough, *Betsy had moved to a foster family on September the 8th*. Her move had occurred in collaboration with her father, and because of circumstances which had nothing to do with any suspicion of sexual offences.

The girl's foster family and confirmation priest have mapped out what she did during the weekend. On Friday evening she attended an entertainment for young people by the church, from 7 o'clock p.m. to 1 o'clock at night, in company with the daughter of the foster family; both girls shared a room. On Saturday afternoon she attended a wedding performed by her confirmation priest. On Saturday evening she saw TV together with the foster family.

What I have presented here, is only a fraction of the wealth of evidence unambiguously proving the innocence of the father.

§27. From the case-notes of the social agency it can be seen that September the 9th was the very first time Betsy learned of the suspicion that she was an incest victim; and that the school nurse was the origin of the suspicion. It is a noticeable fact that Betsy made her first suicidal attempt either on the same day or at most two days later.

§28. A total of 25 judges have made decisions as regards the question of guilt. The temporal relations analysed here, have explicitly been explained to 12 of these judges. Not a single one of the remaining 13 judges had detected them. Among the 12 judges, a total of one has understood them. - Two of the 13 and one of the 12 voted for acquittal. But the former two based their verdict upon Betsy's indisputable gift for producing literary texts of some quality (!)

The Supreme Court (Jermsten, Gregow, L. K. Beckman, Sterzel, Munck) has ruled that: exactly the pattern of circumstance described here should lead to a conviction.

§29. Various aspects of the case of Rachel was presented and analysed in Scharnberg (1993, I, ch. 30). Many of them will not be repeated. But further aspects will be added here and elsewhere, and a few neglectible

errors will be corrected. The case does not follow the recurrent pattern of an ex-wife seeking revenge because her husband left her. On the contrary, *she* left *him*. He was deeply attached to her and wanted her to stay. But she vehemently aimed at ruining his life. She tried to bribe another man. She offered him to buy her husband's firm for half its worth, if he would assist her in having him committed to a mental hospital. When she did not succeed, she forced the almost 20 year old daughter to report the father because of frequent acts of sexual intercourse from the time she was nearly 11 (note the start) and until she was nearly 14 (note the end), a period of 36 months. All acts had been performed in the family's old house in Sofiatorp (note the location), with a frequency of once a week during the first year, and twice a month during the remaining two years (note the detailed recollections of the differential frequencies; note also that the recollections followed the annual periods).

Rachel stated that the abuse had stopped because the father had seen a TV program on incest. He had been shocked and had apologized for what he had done. He said it had never occurred to him that incest might have harmful consequences. - It is no little surprise that any idea of harmful consequences had never been instigated by Rachel's behaviour during some 100 acts, viz. asking him to let her go, crying, kicking and biting him.

§30. After he was convicted by the district court, the father got a new attorney who engaged an expert. The attorney found out that the family had moved to Alphaby 18½ months after the alleged start of the abuse. The expert looked through all Swedish TV programs on incest during 8 years, and identified the one Rachel was talking about. It was actually shown 14 months earlier. In other words, a period of 36 months was reduced to 13½ months. Admittedly, it was not Rachel herself but the prosecutor who had (wrongly) identified the date of the TV program and, hence, the point of time of the cessation of the abuse. But the program he had postulated in the district court, turned out to be about contraception for very young people.

Despite a wealth of facts to the contrary, the Court of Appeal deemed Rachel to be trustworthy.

Chapter 5
The Pruning Technique and the Cases of Rachel and Judith

- John, don't you think I am the most beautiful girl in the world?
- Yes.
- Don't you think I have the most beautiful eyes in the world?
- Yes.
- Don't you think I have the most beautiful hair in the world?
- Yes.
- Oh John, you are saying so many nice things to me.

Norwegian joke

§31. Formally, the pruning technique will supply no new information. But it may make crucial information much more visible. - In a dialogue we may cut away every statement made by one of the persons, and list only those made by the other. From an interrogation we may retain only the questions, or only the answers. Thereby, we may notice things we had hitherto overlooked.

A variant of the pruning technique is to distribute the questions and answers over two columns, so that we may alternatively cover one column, cover the other, or cover none.

§32. Each and all Rachel's 330 answers during the interrogation by the prosecutor in the district court will be quoted next. Such an extensive inclusion of the raw data is by no means redundant.

R-1: Two, three.
R-2: No, I am middle.
R-3: Roger.
R-4: Midsummer 86.
R-5: Yes, my younger brother.
R-6: I don't know when he left the family.
R-7: He is 14 years old.
R-8: It was beautiful down here.
R-9: [inaudible]
R-10: No, he always had his own enterprise, so we have moved to where the jobs were.
R-11: Everything.
R-12: In February, I think '87.
R-13: Yes, we moved down to Betaby first.
R-14: Yes, I was pregnant.

R-15: Yes.
R-16: Yes.
R-17: Satisfactory.
R-18: [inaudible]
R-19: I shall talk a little more loud.
R-20: Yes.
R-21: Yes it was so.
R-22: Yes.
R-23: [uncertain whether there is an inaudible fragment] People often quarrel when they are about to divorce.
R-24: Agreed they have always.
R-25: If one won't live with another person then.
R-26: No.
R-27: No.
R-28: Father is from Gammashire and Mother from Thetatown so we have lived in Gammashire since I was very young.
R-29: Yes.
R-30: Yes, I didn't want Father and Mother to divorce.
R-31: Yes.
R-32: No, it was because of this I moved away.
R-33: Well, first and foremost we wanted Father to come under psychiatric attention.
R-34: Another report on the same occasion.
R-35: Yes.
R-36: Yes, she was the one who asked.
R-37: She called me and I cannot recall exactly [viz. when she called].
R-38: Yes, it was at some time last year. Autumn or winter.
R-39: They had left each other. Mother was living at Omega and Father at [inaudible]
R-40: Two kilometers.
R-41: Yes.
R-42: I don't know. It was just a hint.
R-43: No, it [inaudible]
R-44: Yes.
R-45: As I said before, Father had a mighty troublesome period. His nerves were mighty weak. [inaudible]. He was sick, certainly. [inaudible] Several times he was about to take his life.
R-46: He tried...
R-47: Yes, he was not accessible to any kind of persuasion on this occasion. He just thought we wanted him locked up for ever, but it was not so.
R-48: In part so.
R-49: Foremost. Well, I don't know what to say.
R-50: Yes.
R-51: We rented a room.
R-52: Yes.
R-53: Second floor.
R-54: On the ground.
R-55: My two brothers.
R-56: Yes.
R-57: Yes.
R-58: Yes.
R-59: Yes, it started with his coming in when I was bathing, and would wash me.

[inaudible]
R-60: Yes, he washed a little carelessly.
R-61: Yes.
R-62: Yes.
R-63: On my breasts.
R-64: Yes.
R-65: [inaudible]
R-66: Yes.
R-67: I think it took a while until he came into my room at night-time and wanted me to [inaudible].
R-68: [inaudible]
R-69: A few months.
R-70: Yes.
R-71: No, I didn't want to.
R-72: I didn't want to.
R-73: Yes.
R-74: Oh yes, he said I should do it.
R-75: Yes.
R-76: Cried and [inaudible]
R-77: [inaudible]
R-78: Yes.
R-79: I don't remember.
R-80: Yes.
R-81: Yes.
R-82: Yes.
R-83: No, not at...
R-84: No.
R-85: I don't know. I don't recall exactly.
R-86: Yes.
R-87: Yes [inaudible]
R-88: Yes.
R-89: No, how could I...
R-90: Yes, on some occasions.
R-91: Yes.
R-92: Run out of the room.
R-93: Yes.
R-94: I should accept Father then.
R-95: Yes.
R-96: Yes.
R-97: Yes, [inaudible]
R-98: No.
R-99: I didn't know what to think.
R-100: No.
R-101: No.
R-102: I was neither afraid of him on that occasion. He had never been evil. He has always been kind.
R-103: I didn't want to because I was afraid they would divorce and this is what I didn't want.
R-104: Yes.
R-105: Yes.

R-106: No, not from the beginning.
R-107: [inaudible]
R-108: Yes.
R-109: I didn't want to.
R-110: [inaudible]
R-111: No, I refused, I have already said so.
R-112: No.
R-113: Yes.
R-114: Yes.
R-115: Not in the mouth.
R-116: [inaudible]
R-117: Well, nnn-yes, I don't remember.
R-118: Yes.
R-119: Yes.
R-120: On some occasion only.
R-121: No.
R-122: Yes.
R-123: About -
R-124: Yes.
R-125: Yes, he would sell my pony.
R-126: Yes.
R-127: Not well.
R-128: Yes, Mother and Father sometimes were joking: if you are naughty we shall sell your horse. Even then when he said so I got angry and hysteric.
R-129: Yes.
R-130: Yes.
R-131: Yes.
R-132: No.
R-133: No.
R-134: No.
R-135: Yes.
R-136: Yes, we may go on.
R-137: No.
R-138: Yes, more or less.
R-139: I don't know. [inaudible] I don't know how to say.
R-140: Yes.
R-141: Yes.
R-142: No.
R-143: Yes.
R-144: Yes, he wanted to perform intercourse so that, as it were - .
R-145: No, not all intercourse as you may say.
R-146: On some occasion. And then he said [inaudible] and then that was that. It only happened once.
R-147: Yes. [inaudible]
R-148: Yes.
R-149: No.
R-150: No.
R-151: [inaudible] had gone.
R-152: No.
R-153: Yes.

R-154: Yes.
R-155: No.
R-156: Yes.
R-157: Yes.
R-158: Yes.
R-159: No.
R-160: Yes.
R-161: Yes, I think so.
R-162: Yes. [inaudible]
R-163: Yes, that may be.
R-164: It was only that.
R-165: No.
R-166: In the beginning perhaps once a week [inaudible] about [inaudible]
R-167: Perhaps a couple of months or two.
R-168: Yes.
R-169: Perhaps about twice a month.
R-170: Yes.
R-171: Yes, [inaudible] I don't know. It just came to an end. It occurred more and more infrequently.
R-172: I guess it was at the same time perhaps.
R-173: Father has never been evil. However [inaudible]
R-174: He has never been evil but he, as it were - we have now understood that he has problems with his nerves. I didn't know then that he [inaudible]
R-175: No.
R-176: Yes.
R-177: Yes there was fighting -
R-178: Yes.
R-179: I crossed my legs.
R-180: [inaudible].
R-181: Yes.
R-182: No.
R-183: Yes.
R-184: Yes.
R-185: I don't remember.
R-186: I didn't want to tell anything.
R-187: Yes.
R-188: Yes.
R-189: Yes.
R-190: No.
R-191: Yes.
R-192: No.
R-193: Yes.
R-194: A few times when he was not sober.
R-195: I don't remember.
R-196: I don't remember.
R-197: Actually I don't remember.
R-198: No.
R-199: Yes.
R-200: Yes, about so.
R-201: [inaudible] [the name of the police interrogator] who just put two dates between

[implied: between which the crimes had been committed].
R-202: [inaudible]
R-203: Yes.
R-204: Yes.
R-205: Yes.
R-206: [inaudible] just at the same time as I got pregnant.
R-207: Yes, in September 86 I think.
R-208: Yes, when I knew I was pregnant.
R-209: [inaudible]
R-210: Now afterwards I did [inaudible]
R-211: No.
R-212: She does not know any details.
R-213: Yes.
R-214: Yes.
R-215: She got terrifically angry.
R-216: Yes.
R-217: No, that happened later.
R-218: Yes.
R-219: No, I don't know that.
R-220: No.
R-221: Not except in so far as Father has never been evil.
R-222: Yes.
R-223: Yes.
R-224: I had him right until a fortnight, a week before he died.
R-225: Mother [inaudible] 14 years.
R-226: I don't remember. I don't think so.
R-227: Yes.
R-228: Yes.
R-229: Yes.
R-230: [inaudible]
R-231: Yes.
R-232: [inaudible] I don't know. [inaudible] I could leave.
R-233: A little bit.
R-234: That he does not recall anything if it really is as he says - he would be very much sorry then.
R-235: Yes.
R-236: Yes.
R-237: Yes.
R-238: Yes.
R-239: No we probably [“didn't” is clearly implied]
R-240: No.
R-241: Yes, we have had a good contact.
R-242: Yes.
R-243: He loves them.
R-244: Yes.
R-245: No.
R-246: Yes.
R-247: Yes, he has been an exceedingly good father but [inaudible] Why, he has always been willing to help and has driven me to my job and I have got weekly allowances and have got a horse, admittedly. It has [inaudible]

R-248: I think so.
R-249: No.
R-250: Yes.
R-251: Yes.
R-252: It has been like any family. One learns to move things away and forget them, bury them.
R-253: Yes, most of it.
R-254: Yes.
R-255: Yes, then I went to my horse and took a ride or some -
R-256: Yes.
R-257: Yes, I understand what you mean. I cannot recall it, as it were.
R-258: Yes.
R-259: When I came up I have felt mighty ill.
R-260: Yes, before, I could keep it at a distance to some extent. I haven't felt well then either, but now after this thing has been exposed, it -
R-261: I have seen a psychologist. At first on one occasion in - twice here in Deltatown. He was not a good psychologist
R-262: No, then I saw a, now what's his name. Kappason in Lambdatown.
R-263: Yes, he was mighty good.
R-264: No, I was there only once. I intend to go on seeing him.
R-265: Yes.
R-266: It is probably three weeks ago, about.
R-267: Yes.
R-268: Yes indeed. It was an incest programme in, I don't know quite when it was, was it something like 82, 83, and then -
R-269: Yes, there was a debate then. I don't know exactly when it happened, but at any rate Father came up and was totally heartbroken and he apologized.
R-270: [inaudible] I think it terminated then. I don't know.
R-271: Yes, a little bit of it at any rate.
R-272: No, it was probably in the evening I think.
R-273: Yes, he was.
R-274: Yes, it is possible.
R-275: Yes.
R-276: On some occasion [inaudible]
R-277: Then he had taken medicine and liquor, sobril then liquor.
R-278: Exactly what, I do not know, but the idea was that I would be given money if I told Mother that I had done so, because he wanted her back.
R-279: He was in the workshop where he lived at that time and called home and felt mighty sick.
R-280: Yes, I thought he had trouble with his heart. So I went to him as fast as I possibly could and he felt pain in his heart, then he had taken those tablets and the liquor, so he was not quite of sound mind.
R-281: Yes.
R-282: Yes.
R-283: I was not willing.
R-284: No.
R-285: Yes.
R-286: Yes.
R-287: Yes.
R-288: Yes.

R-289: Yes, that's correct.
R-290: Yes.
R-291: No, they were not awake.
R-292: No, my older brother has said afterwards that he suspected this.
R-293: Yes.
R-294: Actually I don't know exactly when it happened.
R-295: And I have said that all the time.
R-296: No, not that briefly.
R-297: [inaudible]
R-298: Yes.
R-299: Yes, it was a farm, it was.
R-300: Yes.
R-301: Yes.
R-302: Yes.
R-303: No.
R-304: No, I behaved as usual.
R-305: Yes, I think I slept in a T-shirt and under - pants or something
R-306: Nnn-yes.
R-307: He had probably pants on or something. Because I [inaudible]
R-308: No.
R-309: No.
R-310: No, he did not do it on the outside of the pants.
R-311: He took them off [inaudible]
R-312: Yes, [inaudible]
R-313: Yes.
R-314: Yes.
R-315: No, it was not normal.
R-316: No.
R317: He had not.
R-318: Yes.
R-319: Durations are difficult to indicate.
R-320: No, I cannot
R-321: Yes.
R-322: One and a half perhaps.
R-323: One and a half year.
R-324: Yes.
R-325: Yes.
R-326: No, it is as usual. When he was not sober a few times afterwards.
R-327: Yes, but otherwise no.
R-328: Yes.
R-329: Yes.
R-330: Yes.
[Q-32:1]

§33. An entire volume could be written about this interrogation, and we shall repeatedly return to many aspects of the case. The scarcity of information supplied by Rachel is flagrant. Few of her statements give any hint that the trial is about sexual abuse. This pattern was completely overlooked by the district court. The attention of the Court of Appeal was

explicitly drawn to it, but the judges applied logical acrobatics to explain it away.

Quantitative results (of the original Swedish text) will be summarized. Out of 330 statements, 288 contain no inaudible parts. 157 of the latter consist of one single word, 227 of at most 5 words, 261 of at most 10 words, while only 7 statements exceed 20 words.

Counting the number of *identified* words in the total set of statements will yield the following figures. 175 statements consist of one words, 252 of at most 5 words, 294 of at most 10 words, while only 12 statements exceed 20 words. For the most part, Rachel merely gives her assent to the suggestions by the prosecutor ("no" will also constitute assent if the question contains a negation), or else claims not to know or recall. No less than 163 statements (=57%) are devoid of *any* information supplied by the girl herself.

§34. The prison doctor at the prison *Skogome* Thomas Eriksson has repeatedly drawn attention to the growing number of innocent convicts, and the difficulties of treating a mixed prison population with a high proportion of falsely sentenced individuals. Eriksson (1994a, 1994b) described the case of *Judith*. The welfare officer, who was the originator of the allegation, was present during the video-recorded police interrogation with the teenage girl. The video was shown in both the district court and the Court of Appeal. Only in 10 of these statements is anything asserted akin to the offences for which the father was convicted. *Each and all these 10 statements were made by the welfare officer not the alleged victim.* None of the judges detected this flagrant fact. Even this girl hardly did any more in the courts than agree to what the prosecutor and her i-p-lawyer presented to her.

Another excellent application of the pruning technique is supplied by Johansson & Persson & Sjögren (1994).

§35. The content of the present chapter reveals a fundamental difference between the Swedish and the American legal systems. The interrogations quoted in Loftus & Doyle (1987:243-263) are of exactly the variety under attack here. These writers go on to state: "A steady drumbeat of 'yes' answers will help the cross-examiner to establish control over the witness and to establish himself in the jury's eyes as someone who actually knows a great deal about the case." I would use such a drumbeat to point out that the testifying person provided little or no information, while the version emerging from the testimony primarily derived from a person who could only have second-hand knowledge (or second-hand guessing) as to what had occurred.

Chapter 6
The Pruning Technique and the Blackmailing Case of Graziella

Police commisioner Hérault had explicitly declared that no judge must feel any hesitation to sentence an innocent person to death, if the sentence would produce a considerable public advantage.
Georg Brandes

§36. The prosecutor (Jan Linders) blackmailed 14-year-old Graziella and her 19-year-old boyfriend: if she did not stick to the version that her father had raped her, and if he did not support her account by committing perjury and claiming that she had confessed the secret to him some time ago, then the boyfriend would be sent to jail for having slept with a minor. When the father was convicted, the prosecutor withdrew the charge against the boyfriend.

All the above facts are documented in the case-notes of the social agency, who worked in intimate collaboration with the prosecutor. But the father's lawyer never bothered to procure these case-notes.

In the present chapter we shall however be concerned only with the pruning technique. A number of police interrogations are video-recorded, and have been shown in the Court of Appeal. The crucial fact is that at least four of the judges imagined that Graziella after she had retracted her initial accusation, had been exposed to no pressure to return to the allegation; and that no such pressure could be noticed during the first police interrogation following the renunciation. I myself counted 77 suggestive attacks fired at her by the police interrogator. Listing these 77 statements with everything else cut away, will be most illuminating. Because of space considerations I shall quote only 15.

P-1: Could it be that things have become too tough for you at home?
P-2: ...in every respect, so that you blame yourself because daddy has been convicted?
P-3: ...That this is the reason why you have retracted?
P-4: Isn't it the case that something happened anyway, but that you do not manage to stick to it, now daddy has been sent to prison?
P-5: Look at me Graziella. Couldn't it be that daddy did something to you nonetheless, but that you cannot stand now to hold on to the information you gave?
P-6: You will have to tell the truth now.
P-7: How do you think things will turn out for you when you go back to school now? Your pals will learn that you lied, and daddy has actually been sent to prison for three years.
P-8: Couldn't it be that you got a bad conscience and blame yourself because daddy

has got a long prison sentence?

P-9: ...and that you feel everything is your fault?

P-10: How could anyone describe such things if she hasn't experienced them herself?

P-11: Isn't it the case really Graziella that what you told in the beginning and what you told in the district court, this is what is true?

P-12: I want you to tell the truth Graziella...

P-13: ...so that you do not muddle your affairs more and more and more, we must get the truth out.

P-14: How difficult things may be, there is always a solution. But Graziella, I'll tell you, the only thing one could live with - Look at me now - the only thing one could live with, is truth. It won't work to try to live with lies. How tough things may be, everything you may experience in your life, you could never, never, never, live a good live with a lie. Listen to what I am telling you.

P-15: You see, when I interrogate people I am used to people lying to me, this is commonplace in police interrogation, you need not feel ashamed if you are lying just now during this interrogation today. What I want is to bring out the truth Graziella.
[Q-36:1]

Strangely, all the judges (with one possible exception) felt that the police officer's repeated injunctions to tell the truth did not constitute any attempt at pressing Graziella to retract the retraction. Instead, her statements were straightforward encouragement to indicate the authentic state of things, whether this state would correspond to the retraction or not.

Chapter 7

The Morphological Method and the Case of Ingalisa, and the Use of Alternative Hypotheses as a Persuasive Technique

Where there is a neck there is a snare.
A Russian saying

§37. The present chapter is strongly influenced by Zwicky (1971). The fact cannot be exaggerated that there are two dimensions of the morphological approach; and it is easy to forget the internal condition. The first aspect is to produce an exhaustive list of all possible alternatives, whereafter each of them may be evaluated in turn. But much more important is the complete specification of every alternative. We are not helped by the exhaustive but abstract list that the alleged victim either told the truth or did not tell the truth.

What will be partially described next definitely merits the name *the morphological case*. Temporal relations and many indicators of lying likewise play a prominent role in the trial. A few facts were included in Scharnberg (1993, I, ch. 30).

More than any other girls known to me, 16-year-old *Ingalisa* was possessed by hatred of her stepfather. In the most unrestricted way she manifested her feelings in the Court of Appeal. This is definitely not a girl which any male could persuade to engage in any involuntary sexual act, except by means of sheer physical violence.

§38. Allegedly, he had licked her sex organ on three occasions. But Ingalisa has supplied two discrepant versions. According to one version she had never any idea of what he was about to do when he started to draw down her pants. On the last two occasions she had forgotten (!) what had happened previously. According to the other version, Ingalisa and her stepfather had made an agreement that she would be permitted to stay out for a longer time in exchange for the act of licking her.

Morphologically, Ingalisa could have told the truth or lied about (a) the licking, (b) her ignorance, or (c) the agreement. And the agreement could have have been arrived at (d) before or after the act of drawing down the pants. Four dichotomies will give raise to an exhaustive list of 16 alternatives. Eight of these imply that no offences have been committed. Three additional alternatives are contradictory. Consequently, there are *exactly* five patterns which are compatible with a correct conviction.

No advanced mathematics or logic is needed to perform such an analysis. Readers untrained in the deductive sciences (such as jurists) may

find *Karnaugh's matrix* helpful; the latter is extremely easy to apply when the number of dichotomies do not exceed four.

§39. Now to the list.

Alternative A. Ingalisa told the truth about both the licking, the agreement, and her ignorance. First, she and her stepfather arrived at the agreement. But afterwards she suffered a black-out, so that she did not grasp what he was aiming at when he started to remove her pants.

Alternative B. Ingalisa told the truth about both the licking, the agreement, and her ignorance. She had no idea of what he had in mind when he removed her pants. But when he was about to start cunnilingus, she stopped him and demanded a counter tribute. And then they agreed that she would be permitted to stay out in return.

Alternative C. Ingalisa told the truth about both the licking and the agreement. But she lied about her ignorance.

Alternative D. Ingalisa told the truth about both the licking and her ignorance. But she lied about the agreement.

Alternative E. Ingalisa told the truth about the licking. But she lied about both her ignorance and the agreement.

§40. When the five judges of the Court of Appeal (Hillerud, Holmberg, Widebäck, Yllman, Häggquist) convicted the stepfather, which one of these five alternatives did they believe in? Did all of them select the same alternative? Actually, none of them has a sufficiently sophisticated thinking for realizing that these are the only possible alternatives compatible with a non-false conviction.

They convicted the defendant with a judgement which, apart from formalia, consists of 46 words. This is a serious insolence. The stepfather still does not know why he has been in prison.

It would not have been in disagreement with Swedish law, if each of the five judges had decided in favour of different alternatives, and declared that it is proved beyond any reasonable doubt that exactly his choice was the truthful one. But such a conviction would appear odd. Nor would it have been formally incorrect to state in the judgement: (a) we are aware that these five alternatives are the only possible ones. We all agree (b) that there is nothing implausible about any of them; (c) that the evidence proves beyond any reasonable doubt that one of *these* alternatives is in agreement with the authentic state of things; (d) that none of us has been able to find out which one; (e) that this does not matter, because each alternative, if it corresponds to reality, is sufficient for a conviction.

We may safely assume that none of the judges would have managed to believe in any of the alternatives, if he or she had been forced to evaluate them. The acceptance of sloppy reasoning enabled the judges to imagine that there must be some non-absurd route to a non-false conviction.

§41. Among other cases in which the morphological method plays a crucial role must be mentioned *the virus case*, which will be analysed in *the twelfth book*.

Many judges and clinical psychologists will no doubt object that I have simply described what they do at present, viz. to gather all facts, to formulate all relevant hypotheses, and to test their agreement with and capacity for explaining the configuration of facts. But to this date I have never seen any judge and few clinical psychologists formulate any exhaustive set of hypotheses. Much more significant is judges' and psychologists' *underspecification* of those hypotheses they do consider.

It has often been suggested that science must test alternative hypotheses. But *alternative hypotheses may function as a persuasive technique*; in several different ways. The first way is to formulate a set of, say, five alternative hypotheses where the one known or suspected to be true, is carefully omitted. After the refutation or pseudo-refutation of four false ones, the remaining false hypothesis may be passed as the true one.

§42. Some background information on *the Södertälje case* is called-for. The geographical distance between the Swedish towns Umeå and Södertälje is very nearly the same as the distance between London and Glasgow. Hence, it is a remarkable fact that the Umeå and the Södertälje cases are analogous as to numerous concrete details. Prominent members of the On-Duty-Service for Maltreated Women in Umeå are intimately involved in the Södertälje case. Both cases involved recovered memory therapy.

The primary therapists of 15-year-old Elvira were Hellis Sylwan, Stig Broquist, and the American Stephen Harvey. Since Broquist is a school psychologist, he was in Scharnberg (1993, I, ch. 31) given the pseudonym ”Schulbaum”; he was also involved in the case of Cynthia. (Sylwan was also involved in the cases of Pontus, cf. §342 and Anna, cf. §353.) There exist 29 hours of video-recorded police interrogations, in which Elvira to a considerable extent plagiarized two books she was asked to read, viz. Dahlström-Lannes (1990) and Olsson (1990).

§43. Eventually, Elvira claimed that her father had sexually abused her since she was four or five years old. Also, her father had hired her out as a prostitute at sex clubs in Stockholm. A man whose first name was ”Mats” had numerous times fetched her in Södertälje in his red car, and had driven her to Stockholm, where he had slept with her in his apartment near the Djurgård-bridge. Furthermore, all three had partaken in ritual abuse. The father had murdered 53 children, eaten them up, laid their bones into plastic sacks, and buried them in a wood outside Södertälje. Elvira had been forced to kill a child. Mats had cut the head off of a teenager boy and had performed coitus in the neck. In TV, the entire Swedish population saw 70 policemen and 4 police helicopters digging or searching for corpses at the places pointed out by the girl. The technical equipment unambiguously revealed that there were no corpses anywhere in the wood.

The police took Elvira around to all known sex clubs in Stockholm. She did not recognize any of them. Actually, the inner architecture of the sex clubs she described is manifestly borrowed from *The Deaf People's House* in Stockholm (her mother is deaf). She recalled to the least detail how she

and Mats had been dressed on each occasion. But she had not noticed one single digit of his car. Nor could she find his apartment. (We are here confronted with *the uneven distribution of details*, a lie indicator to which we shall return in §296.)

§44. The father was convicted by the Court of Appeal (Rosenberg, Dirke, Adolfson, Leismar, Almquist) of the other crimes, *before* the ideas of the ritual abuse had become known to anyone except the prosecutor, who concealed them. *After this TV programme had been shown in public and the other facts has emerged*, the mother was likewise convicted by the same judges.

But Elvira went on to accuse very prominent persons. Finally, the case was re-opened by the Supreme Court. After proceedings which were a legal parody, the father was convicted once more by the Court of Appeal (B. G. Nilsson, Karlholm, Knutar, Högel, Edlund). We shall in due course see what private considerations were at the basis of the conviction. Now to the use of alternative hypotheses as a persuasive technique.

Broquist listed five hypotheses, and pseudo-refuted everyone except the one that Elvira had been abused. There is no reason to waste space on citing the other four hypotheses. What is important is one abstract rule and one concrete circumstance.

When a sexual allegation is tested against alternative explanations, the first alternative hypothesis to be considered is INVARIABLY that the allegation derives from external influence.

The school psychologist cannot have been ignorant of this rule. Moreover, he was highly familiar with the case. He knew that Elvira's accounts derived from persuasive influence from a comprehensive team of psychologists, social workers, members of the On-Duty-Service for Maltreated-Women in Umeå, the foster mother, nurses etc. Hence, Broquist deliberately omitted the true explanation.

§45. The second way of using alternative hypotheses for persuasive purposes, is to demand them where they are not needed. In his third seduction paper Freud makes the claim on one page, that his patients entirely on their own recounted recollections of sexual abuse during preschool age; that these recounts came as a complete surprise to him; that he for a long time refused to believe his own ears, because he was convinced that hysteria has a non-sexual etiology; and that he only slowly managed to face reality. - On another page in the same writing he states that he took as an absolute axiom that hysterias are caused by sexual events; that he himself constructed the events the patients had supposedly experienced; that the patients denied having been sexually abused; and that Freud himself applied brutal hammering to force them to accept his inferences about their past.

Quite a few critics have pointed out that these explanations do not fit together. An impressive number of psychologists and psychiatrists have answered: “N.N. is no real scientist. He has considered no alternative hypotheses. Not least, he has completely overlooked the most probable

explanation, viz. that Freud slightly modified a few marginal circumstances *in order to protect the anonymity of his patients*."

§46. A third way of abusing the concept for persuasive purpose is highly frequent in Swedish judgements. The court will simply state the verbal formula: "The court has considered the possibility that XYZ. The court has found nothing supporting XYZ." The most frequent reasons why supporting circumstances have not been found are (a) that the prosecutor and the police did not look for them, or actively concealed them; (b) that the defence counsel did not care to look for them; (c) that they were presented during the proceedings, but that the court failed to notice them; (d) that they were manifest in the police investigation, and that the latter was explicitly invoked as written evidence, but the judges did not read this evidence; (e) that the attention of the court was explicitly drawn to them, but the judges were not proficient in logical thinking, or preferred to produce a false verdict demanded by the public opinion or influential organizations.

In a different context I shall discuss a group named *pseudo-witness-psychologists.* The leader of the group, Egil Ruuth, was appointed in the Umeå case of recovered memory. Here, I shall only note that he claimed to have verified that Elfriede's account was not in the least caused by external influence; she had described authentic incestuous experiences.

§47. A psychologist may in the most flagrant way demonstrate to the court that he or she took the father's guilt as an apriori axiom. But the psychologist need merely emit the verbal formula that he or she has "worked with alternative hypotheses". And then the court will, more often than not, write in the judgement that it is a fact that the psychologist has worked with alternative hypotheses, and that this fact constitutes a ground for accepting his or her conclusion as regards the guilt.

Chapter 8
Parallel Order Relations and the Girl (Violet) with the Phenomenal Memory

The court is completely impervious to rational evidence and reason.

Franz Kafka

§48. A textual analyst should as a matter of routine search for parallel order relations. He may, or may not find the most illuminating evidence of the entire case.

The father of 17-year-old Violet abandoned her mother in favour of a younger female - a deadly sin also in Violet's eyes: the family belonged to Jehova's Witnesses. The mother told Violet to report him because of incestuous assaults from when she was about 12 years old and to the time he departed when she was 16.

The girl obediently went to the police. But she could not answer the simplest questions. The risk of failure was immense.

§49. But then the mother wrote a short-story about everything Violet had supposedly experienced. And the daughter learned the story by heart.

Ch. 11 about *the deficient reality feeling* of the liar, is highly relevant. Very often the liar is incapable of imagining what other features would also have occurred, if the postulated features had really occurred. The mother and the daughter made a huge mistake, which directly revealed what had happened.

A genuine incest victim might prepare herself before legal proceedings, in order not to forget important circumstances. She might write a list of entries such as “Queen's Park”, “the attic at Granny”, and rehearse the events.

But at each rehearsal she would clothe the events into different words. By contrast, Violet learned the very verbal formulations by heart, and stamped in the word sequences, in the same way in which an actor would stamp in a monologue to be performed on the stage.

§50. In the district court she started the interrogations with a monologue of 2481 words. (As a comparison, ch. 7 comprises 2204 words.) Two months later she delivered more or less the same monologue in the Court of Appeal. The two monologues were not *literally* identical, but almost all sentences followed each other in the same order.

Even the very same slips of tongue occurred in both monologues, e.g “66” instead of 69 about the sexual variant, followed by a self-correction. If anyone unintentionally made such a slip in one court, he or she would certainly try not to repeat it.

Even more, some of the sentences of her monologue were borrowed from a TV program (*Studio S: An Unparalleled Ignominy).* In Table 50:1 I shall illustrate the similarity.

==========

Table 50:1

Violet's semi-testimony in the district court	*Violet's semi-testimony in the Court of Appeal*	*The diary of Lena, 16 years old, in the TV program*
I know that **in the evenings when Mummy was working I sort of was lying up there**	And (3 seconds) in (4 seconds)	**We were again alone at home, and I had gone upstairs and gone to bed.**
and hoping that he would not come up		
and **he always used slippers**	**he always used slippers,** Georg	
so that one heard when	**so that one always heard when**	**When I heard his steps in the stairway**, I understood at once that he would come to me. I began to freeze and sweat.
he was coming up the stairs	**he went up the stairs**	
so that one hoped	**so that one** was always lying in the bed **hoping** that he -	**I always hope**
he was just going to see TV	that **he was just going to see TV**	**he will just** fetch something and **leave again**
or do	**or do something of the kind**	
or that he intended to tell something	**or that he would like to tell something**	
to Karen or Lucas	**to the others**	
about something they	that he **had forgotten.**	

had forgotten or so.

When one heard then that	But **when one heard then that**	
he came up and **he closed Karen's door**	**he closed Karen's**	
- it was always open because she was very scared of darkness	- - -	
he closed the door [*repetition!*] then **I knew that he was about to go to my room,**	because he always did that when **he was about to go to my room** - then **he closed the door to my sister,** [*repetition!*]	**[***cf. the above sentence*:] I understood at once that **he would come to me**.

==========

§51. Elsewhere, I shall refute the only possible alternative hypothesis, viz. that the monologue in the district court was a spontaneous product, and that the rather literal replication in the Court of Appeal was an "automatism" because Violet had a phenomenal memory. It is easy to show that she had no such capacity. And a person without it, would not manage to produce parallel verbal formulations of such a length without having learned them by heart. No genuine incest victim with access to authentic recollections, would apply such a procedure, whether she or anyone else had written down the monologue.

§52. Every non-trivial divergence is intimately associated with *pauses*. Violet reacts *exactly* as an actor on the stage, who had suddenly forgotten his next line; who is desperately searching his memory while several times emitting abortive words; until he suddenly finds a connection, often to a word sequence some ten lines ahead, whereafter he proceeds fluently.

§53. The TV programme was shown on 820303 when Violet was 13 years old. She reported her father more than five years later. What should we think of judges who do not realize the impossibility of a genuine incest victim almost literally borrowing formulations from a TV programme?

The only hypothesis which will hold water, is that someone video-recorded the TV programme. In Sweden, Jehova's Witnesses seem to have been the first group to show a strong interest in incest.

§54. The national prosecutor objected to the case being re-opened. He explained away the argument about the parallel order relations, by means of a slip: "It is a natural thing for two accounts of the same event presented with an interval of two months to agree to a considerable extent, *in particular since we may suppose that Violet during the period* between

both proceedings must have been permeated by ideas about what happened and about her participation in the trial" (italics added).

This argument is not in accordance with psychological science. If Violet had meanwhile reflected upon the same *events* but *in different words*, the chance would have been *significantly less* that she would have delivered such a similar verbal product in two courts, than if she had during the intervening period *never* given a thought to the events. This is a conclusion necessitated by the psychological phenomenon called "pro-active inhibition".

§55. What I am going to say next, is not intended as rhetoric. Many historical constituents in Anatole France's (s.a.; 1930? pp. 325ff.) novels refer to authentic events. There really exists a judgement from the 15th century, in which a married women was convicted of adultery, on the ground that she had borne triplets. And according to "a general fact of experience" (as a modern Swedish judge would put it), one man can at most be the origin of two children in the same uterus.

Today, no judge would think he knows better than biologists whether triplets could derive from one man. But still today, judges feel entitled to reject firmly established *psychological* facts (inter alia pro-active inhibition) on the ground of lay prejudices.

§56. We shall find significant parallel order relations in many other cases, inter alia *Rachel* and *Betsy*. It is a frequent technique to supply suspected victims with literature or videos in order to facilitate fabulation. The social agency or the school nurse showed the very same TV program mentioned above to Betsy (and it was the one which allegedly influenced Rachel's father). Betsy also plagiarized the formulations and produced "letters" which she had claimed to have written after the rapings. But she forgot to imitate her handwriting from 4-years-earlier. Obviously, the school nurse recognized the formulations and, hence, knew that the evidence was faked.

§57. Throughout the first book I have described five fundamental methods of textual analysis: (a) physical possibility; (b) combining temporal relations; (c) the pruning technique; (d) the morphological method; (e) searching for parallel order relations. *It is simply not true that cases of sexual abuse are exceedingly difficult, and that judges and jurors can do nothing except to BELIEVE one or the other person.* The real difficulty is that judges and jurors are poorly equipped for eevaluating evidence.

Second Book

Some Cornerstones of the Psychology of Lying

Chapter 9
Preamble

Philosophy ought to imitate the successful sciences in its method. Its reasoning should not form a chain which is no stronger than its weakest link, but a cable whose fibers may be ever so slender, provided they are sufficiently numerous and intimately connected.
Charles Sanders Peirce

§58. There are no criteria which will invariably distinguish true and false statements. The relation is asymmetrical. It may be easy to prove from nothing but a text itself, that the latter is deliberately false. But there is no valid way of establishing from a text itself that it is true. A skilled liar may avoid the telling indicators. Nonetheless, a large number of lies are so clumsy that their falsity should be immediately apparent. A systematic lie psychologist may be dumbfounded by the ease with which many conspicuous lies are perceived as "bearing the stamp of truth".

I completely adhere to Ekman's (1991:28) definition: A is lying to B if A has the intention of misleading B; is actually and deliberately misleading him; has not told B so in advance; and has not been explicitly asked by B to do it. (The latter two conditions are necessary to avoid the consequence that magicians and poker players are lying.) In the light of Ekman's definition, it does not matter whether A is misleading by postulating false things or by concealing authentic circumstances.

An instructive example would be the impotent male who asks a psychoanalyst, "Will psychoanalytic treatment cure my impotence?" and is given the answer, "Well, sexual problems are the special province of psychoanalysis." The analyst knows that this treatment will produce no change. He deliberately chose his words so that they would deceive an ordinary man into believing he had got the promise that psychoanalysis will probably help him. But the analyst has built in a "fire-escape", and may later claim that "he never said anything of the kind". The patient may have even stronger reason to feel annoyed after having been mislead by the concealment. Besides, lies of concealment are much more easy to substitute with new lies if exposed.

§59. Most of the following facts about the Swedish writer Carl Jonas Love Almquist have been borrowed from a master piece of textual analysis, Jägerskiöld (1987). Because of his liberal ideas about marriage and sex, Almquist was met with no little hostility. Preparations were made for a trial for murder and economic criminality. Since he realized that he would never get a fair trial, he fled the country. A significant piece of evidence consists of

a promissory note dated in 1851. It is signed with his name, and the middle section of the name is covered by the seal. For a century it was debated whether the handwriting was authentic or not; the outcome seemed inconclusive.

Modern physical methods have revealed that there is no text under the seal. In order to maintain that Almquist had nonetheless written the beginning and the end of his signature, we shall need a set of auxiliary statements: Almquist must have calculated (a) that science will eventually be able to detect the missing section under the seal; (b) that the promissory note would be preserved for more than a century; (c) that he himself would be sufficiently famous to stimulate research for a century; etc. - This set is easy to evaluate. But we may nevertheless overlook *how much more* improbable the third condition was in 1851. At that time, the idea of writing poems or prosa or music which would live for centuries, was of a recent origin and had yet no firm roots in the culture.

§60. This analysis illustrates a very common pattern in science. Large and minor theories may be abandoned not only because they are refuted; but also because they have collapsed under the weight of too many auxiliary hypotheses which are needed to sustain them. The history of science shows that strict refutation may not infrequently be mistaken. Collapse is a more trustworthy indicator.

The analysis also illustrates the necessity of specifying a theory or hypothesis in much detail. This is the second condition of the morphological method, cf. the case of Ingalisa.

We should always be very careful about attributing or denying (with certainty or probability) certain motives to an individual. Judges, psychiatrists and clinical psychologists are often too hasty in this respect. But it would be an equally erroneous attitude that the presence or absence of a motive can never be ascertained.

§61. *The doctrine of the hunter and the pray* is of utmost importance. Whenever the police learns new techniques of exposing crimes and catching criminals, the latter must develop new techniques of committing crimes without being caught. When cameras were installed into banks, bankrobbers learned to draw a stocking over their head. It is to be expected that the public description of indicators of lies, will lead to attempts to produce lies which are clear of these indicators.

An individual honestly trying to describe an authentic occurrence can hardly avoid including many irrelevant details (Trankell, 1971). Police officers will read this and think: “Oh, irrelevant details are a recurrent feature of true accounts. Then I must help the child produce a story with many irrelevant features.” In one police interrogation after another the questions are asked: “Did you recall the colour and pattern of the wall paper?” “Did it ever happen that you were interrupted when he was about to do this? Did someone unexpectedly ring the door bell?”

Irrelevant concrete details might have some evidential power, if we

know that they are spontaneous products unadultered by previous influence.

It is not clear whether a wealth of details per se has any evidential power. Just for the sake of the argument I shall presuppose they have so, if they occur in a spontaneous narrative. However, it is a frequent stratagem to prove the truth of an account as a whole, from the fact that 100 details emerged one at a time in response to 100 or 600 questions.

The present volume may be carefully read by police officers, prosecutors, psychiatrists, clinical psychologists, and social workers, with the purpose of learning more effective ways of fabricating sham evidence.

§62. A final introductory remark. It has some connection to the point made in §11: experimental psychology has more to learn from history about techniques for exposing deceits, than vice versa.

It is poor philosophy that any scientific discipline must, or even could, start from scratch. We shall always start exactly where we are, that is, with a mixture of more or less true and false beliefs, and more or less adequate concepts. None of the false and inadequate ones could ever be modified or rejected, except by taking others for granted. The modified facts, concepts and ideas may in turn be used to modify and reject what was previously taken for granted. This is the pattern of scientific progress - a recurrent theme throughout vol. I, II, V and VII of Peirce's *Collected Papers*.

Even those sciences which are most advanced today, started with primitive lay concepts, which were no more sophisticated than the triad: mistakes in good faith, self-deception, and deliberate lies. Thousands of examples could be supplied. Until chemistry rejected the definition that a substance is sugar if and only if it has a sweet taste, in favour of more esoteric concepts, no very deep understanding of the chemical structure of the empirical world was possible. Every science searching for causal relations (hence, every natural and behavioural science) has followed the same development. Either, they are still immature; and the immature stage of *every* discipline is highly similar. Or else they have, one at a time, entered the mature stage distinguished by (a) permanent agreement on fundamentals, (b) esoteric concepts, and (c) exact empirical generalizations. The doctrine of the the unbridgeable gap between the natural and the behavioural sciences - incessantly propagated around 1970 to 1985 - derives from ignorance of the history of science.

Two hundred years ago, medical science did not distinguish between gonorrhoea, syphilis, and scabies, since all three can be sexually transmitted. The problem about “mistakes”, “self-deception” and “lies”, is not merely that there may be gradual transitions. The very concepts themselves may be inadequate.

Chapter 10

Do Children and Teenagers Lie? The Parsley Case etc.

One will handle the knife and make the sting.
By incident, one is standing on guard.
You have not seen - and I have not heard a thing.
From the booty everyone wants his part.
Johanna Schwarz

§63. Although the concepts mistake in good faith, self-deception, and deliberate lying, may be inadequate, we have no choice but to use them, until we can have learned enough about reality to invent better concepts. The incest ideologists incessantly claim that "children never lie about sexual abuse". Also, they incessantly attribute to their opponents the view that children are young scoundrels who invent fantastic stories of their own accord, and feel a kind of pleasure in harming their parents and others. - I, like many others, have always been very careful to clarify that my view is not even remotely akin to this caricature.

Excepting those cases where a boy came under attention because his sister was already suspected of being an incest victim, I have - as a researcher and as a practitioner - encountered only one case ("Pontus") involving a male child. Three-year-old Martin had no sister, but the case is taken from the literature.

§64. Martin had been trained by his mother to state that the father had abused him. The mother tape-recorded her training sessions and handed them to the police. What did daddy insert into your bottom? After many questions which the child cannot answer, he points at the microphone standing right in front of him at the table, and says that it might have been such a one. The mother gradually modifies Martin's account: was it *something akin to* the microphone? She introduces the words that the microphone *resembles* daddy's willie. And finally, the boy is made to say that is *was* daddy's willie.

The mother goes on: daddy must have used something in order to insert his willy. After many questions Martin admits this, and after further questions he tells that it was *green*. Now the mother seems to be on the right track. And then Martin says that the green thing was parsley.

Gill-Wettergren & Gill (1985) is exclusively devoted to *the parsley case*. But was Martin *lying?* I am not aware of any critic of the incest ideology who has given an affirmative answer. No individual under the age of 13 in my report *lied* according to Ekman's (1991) definition (§58).

§65. It is my view that Embla, Graziella, Ingalisa, Violet and Wendela

lied deliberately. But even here there are nuances. Graziella tried to make herself interesting to her buddies by “exposing her secret life”. Embla did more or less the same thing. They did not give a thought to the possibility that anyone might be harmed. If the cases had been handled in a rational way, the girls would not even have needed lose face in the eyes of their schoolmates. Ingalisa was full of hatred. Both she and Wendela tried to achieve palpable advantages. Violet was definitely pressured by her mother, but she was also a fanatic member of a fundamentalist and hyper-moralistic church.

§66. On the other hand, it would not be reasonable to say that Betsy, Elfriede, Elvira, Erna, or Rachel were lying. Betsy and Rachel could not stand the external pressure. Betsy's suicidal attempts were seemingly caused by the school nurse and her associates. The lives of the three remaining girls were ruined by the authorities, in two cases by recovered memory therapy. A girl who repeats implanted pseudo-recollections, is not lying.

While Erna had never been in perfect health, her deepgoing mental derangement started when the authorities pressured her to stick to what was a momentaneous temperamental outburst. In the Court of Appeal her psychopathological condition was exposed; and so were the authorities' perfect knowledge and deliberate concealment of these facts. An attempt was also made to present the defendant's perfect alibi. The outcome was that he was acquitted.

But even then, the authorities refused to let the girl alone. *Save the Children* started two newspaper campaigns. The first was about the case of Embla, and it was timed to exercise pressure upon the court between the end of the trial and the publishing of the judgement. The second campaign was protracted, conducted in three local towns, and explicitly concerned with the case of Erna. Things became increasingly more strained for her, and she finally took her life.

§67. The present chapter raises an important problem. How much of the knowledge about individuals deliberately lying, is applicable to individuals telling falsities without lying? There is no simple answer. But when analysing the specific cases, we shall repeatedly have to ask the same question.

Chapter 11
The Deficient Reality Feeling of the Fabulator, and the Two Sources of Lies

> *As proof, false evidence is in general of a higher value than true evidence, first and foremost because it has been explicitly manufactured in accordance with the concrete needs of the trial.*
>
> Anatole France

§68. *It is at the same time very difficult and very easy to construct a pattern of circumstances which is not authentic but might have been so. The difficulty derives from the fact that most of us have a very low awareness of what may aptly be named "the small-print features" of reality. Neither are we very familiar with the small-print features of our own reactions.*

The ease derives from exactly the same shortcoming of human nature. The sender of the false message will very often do a poor job. But he need do no better, because *the receiver of the message will usually be equally unfamiliar with the small-print features. He may not detect even the most glaring impossibilities or oddities.*

Not only small-print but also ordinary features may be curiously overlooked.

§69. Few aspects of fabulated accounts are more prominent than *the deficient reality feeling of the fabulator*. He may disseminate a wealth of flagrantly contradictory statements without noticing the contradictions. He may overlook that, if the postulated circumstances had been authentic, various other circumstances would likewise have been so. He may also be amazingly ignorant as to how he would have reacted in the postulated situation. (In the early movies the actors regularly forgot to pay when they had taken a taxi.)

Rachel claimed that her father wanted her to buy condoms when she was 12 years old. He feared a suspicion of incest if he bought them himself, because everyone in the village knew that his wife used birth pills.

This idea reveals the poor fantasy of the indoctrinating mother. Many things may be known about a family in a small village. But the father could easily have bought condoms from an automat in a nearby town. The job he held would have allowed brief travels. Even if he bought them in the village, his neighbours might at most suspect him of having a mistress. By contrast, a 12-year-old girl who did not leave to her partner to provide condoms, might be suspected of considerable promiscuity. And if this suspicion turned out to be groundless, the neighbours might indeed speculate about other

possible explanations.

There is no reason to suppose that Betsy's claims about her father's abuse of liquor is any more trustworthy than other claims of hers. Allegedly, he would usually get drunk when he was alone in the garage at night, whereafter she would be under a high risk of being raped. Nonetheless, she also recounts having been sitting in a nightgown and pants watching TV late at night while the father was in the garage. - The reader may try to imagine that the father had instead had the habit of spanking her with a cane when he got drunk. Is it likely that she would have taken no counter measure to escape the expected experience?

§70. It is by no means a trivial proposition that *lying is a technique of persuasion*. Many aspects of lying are closely related to the persuasive *intent*, but even more to the persuasive *effect*.

We should not view the virtuoso liar as a person who has invented certain techniques which are highly effective in deceiving others. Rather, we should look upon him as an individual who has passively adapted to the general weaknesses of ordinary people.

All four features are significant: (a) passive adaptation, (b) weaknesses, (c) general [*properties*]*, (d) ordinary people.*

Hence, if our goal is to understand the specific nature of lying, and the palpable efficacy of certain kinds of lies, we should not in the first place focus upon the sender but upon the receiver.

If Joe Brown is particularly successful in deceiving Joe Smith, the explanation is that he “knows what buttons to press”. The buttons were there all the time. They were also present in most persons who had the luck not to encounter a sender who knew how to use them.

§71. *Almost all lies (and probably literally all of them) derive from two and only two sources.* First: *there exists a standard set of attributions, which may routinely be applied to almost any person, situation, or event.* Most but not all these attributions are pejorative: N.N. is mentally deranged, has a subnormal intelligence, is “overstrained and in need of rest”, is a drug addict, has syphilis, is sexually impotent, and so on. (Today, the attribution of homosexuality is no longer an effective stratagem.)

There is in the Scandinavian countries a long tradition of divorced mothers fighting zealously to sever all ties between the father and the children. In the 1950s, when the newspapers gave much attention to youthful criminality, mothers would accuse fathers of deliberately aiming at making youthful criminals of the children. At the present time, false accusations of sexual abuse has become a much more powerful weapon.

§72. *The second category of lies comprises modifications or distortions of authentic situations, events, personality traits etc.* Many assertions consist of many constituents, and different constituents may have a highly different truth value. Even in a very coarse lie, the overwhelming majority of the constituents may be perfectly true. Consequently, we are not entitled to conclude (as courts usually do) that the account as a whole is true,

because a number of its constituents are known to be true.

Both categories may combine. The late prime minister Olof Palme regularly visited his senile mother at a mental hospital. According to the gossip of his political enemies, he visited the hospital to obtain treatment of his own postulated narcotic addiction.

§73. Judges are curiously ignorant of the fact of the two sources. In one judgement after the other (inter alia those in the cases of Betsy, Erna, Rachel and Violet), we shall explicitly encounter the argument that, since certain [trivial and non-criminal] details of the girl's account are [or are wrongly supposed to be] true, then the account as a whole must likewise be true.

Another standard argument is encountered over and over again. *"If A had actually had the intention of telling a lie about B, then A would have attributed such an overwhelming wealth of abominable characters and behaviours to B, that anyone would immediately have concluded that A is not trustworthy. A would never have attributed any positive character to B. In other words, every liar is a clumsy liar, and the world has never seen a lying person with a minimum of skill."*

This is by no means an abstract parody. Recall the interrogation of Rachel in Q-32:1. In its judgement the district court (Henriksson, Larsson, Gustavsson, Johansson, Brunngård, Nyqvist) applies the scheme to this girl.

> "She has repeatedly given negative answers to the prosecutor's questions about circumstances embarrassing to [her father's name], and has frequently stressed his positive traits. Hence, she has not given the impression of intending to impute upon [her father's name] things which have not taken place, and no kind of motivation related to such behaviour has come to light in the case." [Q-73:1]

In §807 we shall take a close look at this argument. A recurrent pattern is that no motivation may come to light, simply because no one sought for it.

§74. Probable hypotheses are that Rachel could not withstand the mother's demand that she should tell enough lies to have her father jailed; that she told the truth when not requested to lie; that the mother realized that a mixture of truths and lies would be most trustworthy; or that some of the father's positive traits were so easily verified, that attempts at denying them would backfire.

Whoever invented the allegation: the presence or absence of positive attributions will not in the least differentiate true and false accounts.

Liars who simply try to blacken their target, are not successful. Few people go on lying for a protracted period, unless they experience success, at least in the short run. It is indeed "a general fact of experience" (the term Swedish judges prefer) that most lies are presented in carefully balanced doses: just enough to achieve the goal, and then a considerable admixture of truth to "prove" the absence of any evil intention.

Numerous economic crimes would be a sheer impossibility, if liars

conformed to the judges' caricatures. The triplet argument of §55 is highly relevant here. Besides, judges have convicted people of perjury, although the overwhelming majority of the constituents of their testimony were perfectly true.

Chapter 12
The Falstaff Principle and Twin Lies

In the depth of his soul man will deceive, but at his surface you may expose him.

Milena Jesenska

§75. The most fundamental cornerstones of the psychology of lying may be (a) the deficient reality feeling of the fabulator; (b) the strange combination of the difficulty and ease of constructing a lie which could have been authentic, deriving from both the sender's and the receiver's low familiarity with the small-print features of reality; (c) the two sources of lies. A fourth cornerstone is (d) the Falstaff principle.

According to Harry Helson's (1964) *Adaptation Level Theory* there is *a neutral zero point* for many psychic experiences. The neutral zero point may change as the result of our experiences. We may place our left and right hand in water of 15º C and 35º C, respectively, and leave them in the water until they feel neither warm nor cold. If we then place both hands in water of 25º C, the left hand will perceive the water as warm and the right hand will perceive it as cold.

As regards lies, the important thing is not that the zero point may change, but that the steps of the scale may be stretched. An individual may have told the most bold lie he dared at this point of time. As a result, his adaptation level may change: what previously seemed the boldest possible lie, may come to appear as a much more modest departure from truth. And he may get the courage to tell a bolder lie.

As time goes by, the accounts of a fabulator may therefore become increasingly more bold and more comprehensive. Shakespeare (*King Henry IV, first part*, a 2, sc 4) has given an eminent description of this principle. Falstaff boasts of having alone killed a number of rascals. Each time he repeats the story, the number increases (2-4-7-9-11).

§76. I know of no more massive illustration in print of the Falstaff principle than Sigmund Freud's *Gesammelte Werke*. One example was thoroughly analysed in Scharnberg (1993, I, §17). Freud explains Dora's childhood asthma by her having been spying upon her parents performing sexual intercourse. The first time he presents this idea, he claims that this is a tentative interpretation based upon indirect signs. Six lines below the spying event has become a proven fact. After 12 further lines it has been transmuted into a recollection told by Dora herself.

A writer may present increasingly bolder versions, (a) because he is the passive victim of his own changed adaptation level; or (b) because he may deliberately manipulate the reader's adaptation level by cutting the final

version in slices, and present each one of them in turn. Could it be ascertained which pattern pertained to a certain writer on a certain occasion? Scharnberg (1993, I. ch.3) has indeed shown (a) that the former pattern was true of Freud's proofs of Dora's masturbation; and (b) how we can know this.

§77. The Falstaff principle is recurrent in incest trials. However, we are not entitled to conclude that an accusation is not true, *solely* because the versions became more extreme: the courage to tell the whole truth might likewise have increased. In practice, these two patterns are easy to distinguish. Second, as time goes by, *involuntary* mnemonic processes tend to exaggerate highly prominent features of the original event.

A father suspected of sexual abuse will usually be interrogated about all kinds of nakedness in the family. Rachel's father had a good conscience and had nothing to hide. Hence, he walked into the trap and described an event when the daughter was 11 years old. Her mother had spilled out milk upon her, and she had become hysterical. The father had tried to soothe her down by washing her entire body.

The police officer passed on the event to Rachel, together with the lie that the father had confessed that he had made a sexual assault on that occasion. But this device did not help, because Rachel had forgotten the event.

Nonetheless, Rachel passed on the event to her mother, who perceived the opportunities. In the district court (cf. Q-32:1, R-60 to R-63) Rachel merely stated that her father had “washed a little carelessly”, “on my breasts”. In the Court of Appeal she told that he had taken out his penis and placed her hand upon the latter. Note: (a) this was supposedly *the utmost first assault*; (b) it occurred while the mother was just outside the bathroom door, and (c) with a girl who would usually during the assaults bite, kick, cry, and beg to escape; and (d) who was even hysterical on that occasion.

The district court concluded that the father would not have been able to recall the event after 8 years, if no more than washing had taken place. Hence, his recollection supported the idea that he had committed an assault.

§78. It is a widespread illusion that persuasive techniques consist of hammering a message home. But the most effective techniques are “imperceptible”: the target person never feel or know that he is exposed to any influence. Some techniques of persuasion are very closely related to lying.

The important aspect of the *twin lie* is its enormous persuasive efficacy. Sometimes I shall loosely use the word about two intertwined lies. But the genuine variant has a hierarchical order: one part of the statement contains the false message which I want someone else to believe. The function of the other part is to give authority to the false message. (I have encountered rare instances of “triplet lies”.)

If I claim to be the bastard grandson of some royalty, many people may think I am lying. But if I add that I could easily produce clear-cut

evidence of my illegitimate descent, most people seem to have an almost insurmountable difficulty in imagining that I might simply have backed up one lie with another one.

When confronted with an account which is indistinguishable from a twin lie, Swedish judges will almost invariably conclude that the account "bears the stamp of truth on it". This standard formula is repeated from judgement to judgement.

§79. In ch. 2 we encountered 14-year-old *Embla,* a virgin whose father had a broken and infected elbow; but who had had 40-50 complete intercourses with her father in the missionary position. The pseudo-witness-psychologist Barbro Sterner proved that she had told the truth, from "the fact" that Embla had previously written a whole series of letters in which she wanted to expose the abuse. But every time she had destroyed the letters in order not to harm her father. Such a pattern of behaviour is, according to Sterner, not compatible with a false allegation.

Asked in the Court of Appeal how she could know that the letters had ever been written and destroyed, Sterner answered that Embla had likewise told this.

§80. Another proof was that Embla's menstruation had been highly irregular. And according to Sterner (who is no medical doctor), this irregularity proved the abuse. Asked how she could know about the irregularity, she answered that Embla had also told her this. When the defence showed from Embla's diary that her menstruation was perfectly regular, Sterner rejoined that this did not matter, because the point was that Embla had been afraid of becoming pregnant.

But Embla wrote in her diary 911110: "My period started today. **HELL!!!**" (triple underlining). Wouldn't she rather have felt relief if she had really been afraid of pregnancy?

For a half day Sterner produced nothing but such arguments. She had taken the father's guilt as an apriori axiom. She was thoroughly unfamiliar with the girl's personality and situation. She had never assessed Embla's trustworthiness. She had picked up a few trivial sham facts here and there, on the ground that they could be used or misused to decorate her axiom. Recurrently she emphasized that these or those facts are very important, because they prove the father's guilt. When it was pointed out that the facts did not exist at all, she made a volte-face and claimed that the facts are without any importance, because the father is guilty anyway.

Cf. here rule RJL-20 in §893, which is equally prominent in traditional gossip logic, psychoanalytic methodology, and judicial logic: *"Whatever has been proved will remain proved. It will remain so, even if those circumstances which originally constituted the proof, are later shown never to have existed, and are not substituted with any other evidential circumstances."*

Sterner's strategy was welcome to the Court of Appeal (Larsson, Stenberg, Jonsson, Danielsson, Petterson), who wrote in the judgement:

“When evaluating Barbro Sterner's report the fact should be specifically taken into account that she has a long experience of making investigations as regards children's reactions in various situations” (italics added).

§81. Related to the twin lie is *the feigned surprise*. Before introducing faked observations, Sigmund Freud will very often assure that these facts came as a complete surprise to him; that they ran counter to his previous view; that he refused to believe his own ears; that he would never have been able to think out such ideas himself; etc. The academic community will usually be taken in by this twin lie, and see a valid proof that the observations could not possibly have been faked, *because* they “were” completely unexpected to Freud. More about this in the chapter on simple isomorphy.

As we shall see: during the last ten years indoctrinating mothers and psychologists have plagiarized the same device.

Chapter 13
Logical Structure *versus* Expressive Features

One may doubt one's own eyes, but not the word of an honest man

Anatole France

§82. In numerous lies we shall find conspicuous and sizable contradictions, astonishing psychological inconsistencies, a noticeable lack of familiarity with human nature, an extreme ignorance of physical laws, and many other oddities. Why do such flaws go unnoticed, and why are such lies so often uncritically accepted?

The answer is indeed a cornerstone: *it is a fundamental property of human equipment to almost automatically direct the attention toward locations where no trustworthy indicators can be found, while they will overlook the most glaring indicators elsewhere.*

It is very difficult to construct a non-trivial situation or event, of such a *logical structure* that it could be encountered in the real world. But human beings are rather uninterested in logical structures.

By contrast, a large minority is highly skilled in intentionally producing the appropriate *expressive features* voluntarily and intentionally: a sad tone of voice, the use of sad words, sad facial expressions, sad gestures and postures; or features "revealing" the honesty of the speaker, a man to be relied upon, and so on.

§83. Sympathetic and responsible politicians may justly have told really black lies. But the case of Adolf Hitler is exceedingly illuminating. Few other persons have such a record of broken promises, oaths, agreements and signed treaties. Nonetheless, skilled diplomats and politicians had repeatedly stressed that Hitler gives every impression of being "sincere", "honest", "trustworthy", "wanting peace". His racial ideas were thought to guarantee that he had no plans of territorial expansion, since foreign races should not be incorporated into Germany.

> "When he accepts an obligation and gives his friendship, no power in the world will be able to force him to desert his word." (Count Szembeck, under state secretary of the Polish Ministry of Foreign Affairs in 1939)
>
> "In diplomatic reports and memoires one will frequently find the statement that Hitler apparently is sincere."
>
> "There is no reason to doubt Hitler's good faith." (Daily Telegraphy, editorial 360713, a few months after the occupation of Rheinland)
>
> "No one can doubt Hitler's absolute sincerity." (Professor Roberts, 1939, quoted in Blædel, 1946:29, 29, 33, 52) [Q-83:1]

§84. The following excerpt from the interrogation in the district court (of Betsy by her i-p-lawyer) contains expressive verbal formulations which may give judges and other untrained people a strong feeling that this girl is telling the truth:

L: What do you say about this thing Daddy now says that all this is altogether wrong. You are lying. How do you react?

B: It is beyond my comprehension how he can say such things. I definitely don't understand it, simply because I think he really knows what he has done, although he wants to forget it. And then you will forget it.

[Q-84:1]

§85. Many teenager girls (e.g. Rachel and Diotima) cried desperately when they made semi-testimonies sending a beloved father to prison. They were unable to stand the strong pressure from their mother or the psychological team. But to this date no Swedish judge has detected even the theoretical possibility that the cause of crying need not be that the girl was overwhelmed by painful recollections of authentic assaults.

In §20 we encountered the recovered memory case of Elfriede. While delivering her lesson in the court, she vomitted on the floor. The Court of Appeal (Skarstedt, Ingvarsson, Persson, Westmark, Lindström) wrote in the judgement that it is impossible that these reactions could derive from deliberate playing and acting. *Consequently*, they could only derive from authentic recollections.

The implicit argument is a parody of the morphological method: it is *directly seen* and is therefore *in no need of any supporting argument*, that *the exhaustive set of alternatives* consists of a total of two possibilities: deliberate acting and authentic recounting.

No honest judge could claim that it is “a general fact of experience” that genuine incest victims will often vomit while describing assaults. No instance is found in psychological or judicial literature. By contrast, chaotic vegetative reactions are commonplace in victims of recovered memory therapy.

§86. Scharnberg (1994a) compared detection of lies with dark vision. Most of the extremely sensitive receptors are found in the periphery of the eye. And in order to perceive an object in the dark, one must carefully keep the object in the periphery of the visual field. The untrained individual will feel an irresistible impulse to turn the eye toward any peripheral object, whence the latter will immediately disappear.

Recall what was said about the liar's *passive adaptation to ordinary human weaknesses.* Few people would go on lying, unless they were successful. The skilled liar is economizing on his resources. Why should he work out an appropriate logical structure, when the receiver of the message will not even notice glaring contradictions and oddities? By contrast, he has no choice but to shape the expressive features of his message with the utmost care, because most receivers will be sensitive of errors in this respect.

§87. One set of features may be highly prominent among true presentations, *and* be easy to imitate for many (though not for all) liars. Others are very difficult to imitate. Let us talk of the "true-easy" and the "true-difficult" features. The true-easy ones are frequent in false presentations too. Hence, their presence will give little information as to whether the account is true; while the true-difficult features are almost invariably missing in deliberately false accounts.

During court proceedings, the judge and the lie psychologist may be dumbfounded by each others' "blindness". The judge may think: "How is it possible that the psychologist does not see that the witness's account shows a whole set of features which are usually found among true presentations? What more could one ask for? How can the lie psychologist doubt that the witness is telling the truth? This psychologist cannot be well-tuned to reality."

The lie psychologist may think: "How is it possible that the judge does not see that the witness's presentation is lacking in a whole series of features, which are almost never missing in true presentations and almost invariably missing in mendacious presentations? How could he place such importance on features which are equally frequent among true presentations and non-amateurs' mendacious presentations? How could the judge overlook such clear-cut indications that the witness is not telling the truth?"

§88. The judge relied too much upon his feelings and too little upon logical derivation. The following analogy may be instructive. When training pistol-shooting you can use different approaches. One method is to fire at the target board, whereupon you immediately check your performance level. This approach will almost certainly raise your level. A second method is to form a subjective assessment of the quality of your shot. This procedure would hardly lead to improvement. It may lead to deterioration: as time goes by, you may come to think of yourself as a highly competent shooter, whence you may make increasingly less effort.

Judges, psychiatrists, and clinical psychologists almost exclusively apply the intuitive method. Few of them will ever try to test whether they have arrived at the correct solution.

§89. *The Othello error* is a very important concept thoroughly analysed in Ekman (1991). Becoming upset in relation to certain questions or certain topics, is no indication of concealing the truth. Othello imagined that the only reason why Desdemona could be upset, was that she was in love with Cassio. Presumably, no court judge agrees with him. But the reason is probably that they have *observed the preceding and subsequent occurrences* in Shakespeare's play. In the court they will *solely* observe the counterpart of Othello's last interrogation of Desdemona, *without* having witnessed Jago's intrigue and the final exposure of the latter. Consequently, they will usually see a proof of guilt in the counterpart of Desdemona's reactions.

Chapter 14
Some Additional Indicators

> *...as if someone were to buy several copies of the morning paper to assure himself that what it said was true.*
>
> Ludwig Wittgenstein

§90. Reality is coherent, whence a true description must be coherent. But because of the normal fallibility of human memory, minor inconsistencies are hard to avoid. *Sizable* contradictions may need other explanations. However, *the specific nature* of contradiction may be more incompatible with the honest attempt at telling the truth, than their number and size.

It would be a tough job to formulate general rules for CONTRADICTIONS. But it would be a complete misunderstanding of scientific methodology to imagine that valid conclusions could only be adequately supported by general rules.

§91. SELF-REFLEXIVE MNEMONIC DISPLACEMENT *is commonplace in fabulated accounts, while they are virtually non-existent in true ones. The then young composer Brahms visited the already recognized Liszt in his home, and they played for each other. While one of them was playing, the other fell asleep. A person who read about this historical event might easily mix up who was playing and who fell asleep. But Brahms and Liszt themselves would not forget such matters.*

Self-reflexive mnemonic displacement is incessantly encountered in cases of sexual abuse.

§92. Two opposite views about RICHNESS OF DETAILS are supplied, by the originator of witness psychology in Sweden, and by a fictional writer:

> "Instead, there is a feature of goal-directedness about the details of the deliberate lie, deriving from the fact that the purpose of fabricated accounts is often to evoke belief in something which never happened. As a result, the deliberate lie will be more consistent than a description of reality. At the same time, the lie will however be more poor as to such details, which the spontaneous witness cannot easily avoid, because of his inability of distinguishing between the external sequence of events and his own experience of this sequence." (Trankell, 1971:98, transl.) [Q-92:1]

> "...they have the quick eyes and active hands and the passion for meticulous elaboration of people who know they are lying." (Robins, 1980:157) [Q-92:2]

There is much truth in both views. Fabulations are frequently associated with a significantly reduced *or* increased number of details. But the sheer

number is a poor criterion. Another important aspect is whether the lie was told by a habitual fabulator or by a person who usually told the truth. Moreover, a speaker may supply a lot of details, but may be unable to add the most elementary but very central information, when asked about things he had not prepared in advance.

The extremely meagre police interrogations with Violet show that she could not possibly be an incest victim. Nonetheless, in both courts she delivered protracted initial monologues with a remarkable richness in details, and a significant proportion of the details were *not* goal-directed. When interrogated by a skilled attorney in the Court of Appeal, she did not manage to give sensible answers concerning such simple conditions, to which any genuine victim with a normal memory would have immediate access.

§93. LEVEL OF ABSTRACTION is a heterogenous family of indicators. The simplest variant is that concrete details are substituted with empty formulae. A more complex variant is *the confusion of classes and instances.* Violet was repeatedly asked to give details about one or about some concrete assaults (instances). She repeatedly answered by stating what was true of all assaults (a class).

There are situations in which information in terms of classes is appropriate. But not if one is repeatedly asked about instances.

We shall eventually see how Betsy mixed up *the mathematical mean* with *the empirical intervals*.

As for the third variant: half a century ago musicians in Swedish would generally sign contracts for a period of four months. After some 1-5 four-month-periods they would have to take a new job in a different town. This is a kind of life which will be highly conducive to recalling events in calendar-periods: during this four-month-period I saw this movie, read this book, bought this record etc. But the habit of *recalling and classifying personal experiences according to the calendar*, is highly unusual among individuals who have no external reason to do so.

Hence, it is suspicious when Violet states the frequency of the assaults over the years according to her school terms (so many times a week or month during this term etc.)

Chapter 15

The Criteria of Simple and Lateral Isomorphy, and Unnatural Formulations

Whoever succ

Patrick G. Meredith

§94. What I have called “the criterion of simple isomorphy”, is identical with Trankell's (1971) “criterion of isomorphy”:

> “If the statement under consideration has the same formal structure, as another statement previously made by the same witness, and which is known for certain to be false, this is a reason to conclude that the former statement is probably also false.” (Trankell, 1971:115). [Q-94:1]

If we have one statement as the premise and one statement as the conclusion (a common pattern in sexual trials), the qualification about probability is appropriate. But in historical research the premise may consist of dozens of statements, each of which it is known in independent ways to be false. In such instances, the probability may be so closely to one, that the qualification may legitimately be skipped.

Because of both logical reflexions and conventional Swedish judicial terminology, Trankell can hardly have had in mind statements which are merely untrue; he must have meant “deliberately false”.

One more caveat is called for. A female may make two completely isomorphic statements: “I am 29 years old”, and “My father is 63 years old”. But foolproof evidence that the former is false, will justify no conclusion about the latter. The statements must have a certain degree of complexity to permit the transposition of the truth value and intention. At the present time there is no escape from this admixture of objective and subjective assessment.

§95. According to traditional superstition, *the cause is similar to the effect*. We may disclose the cause of a neurotic or somatic symptom, by finding *or inventing* an event which is similar to the symptom. A hare-lip is caused by the pregnant mother having been scared by a hare (Burton, 1927:187; orig. 1621).

Sigmund Freud adopted this rule and made it the fundament of his theory. Oral eczema in an adult female is caused by her father having practiced fellatio upon her in the craddle. Every psychoanalytic interpretation is based upon *the principle of similarity*.

§96. A wealth of present-day interpretations in cases of sexual abuse of children, are based upon the same rule. Numerous examples are provided

throughout the present volumes. One of the most interesting is Q-340:1. An analogous excerpt by Ulla Rydå (one of the pioneers of recovered memory therapy in Sweden), will be given here. It was used as legal evidence for the claim that 9-year-old Virna (who had said nothing of the kind) had been sexually abused.

> "On one occasion when Virna was playing corona together with a patient of her own age, the yellow marker fell by accident into one of the four holes. A member of the staff remarked that the yellow marker must not fall into the hole. Thereby Virna turns to this person and says: *'Don't talk to me about holes*`." (italics added). [Q-96:1]

§97. In Table 97:1 I shall list four interpretations. The former three constitute the premise. About each of them, it is known in independent ways that Freud's observations were deliberately faked (Esterson, 1993, Scharnberg, 1993, Schatzman & Israëls, 1993). The task is to detect and verify whether the observations about the lady with the stain on the table cloth are likewise faked. The criterion of isomorphy justifies this conclusion.

The four examples are found in Freud (GW-V:242f./SE-VII:79f.; GW-I:453/SE-III:215; GW-I:453./SE-III:215; GW-XI:268ff./SE-XVI:261ff.).

Table 97:1 finns i fil ***&LögnTab.inc***, som har liggande A4-format.

§98. There are many oddities in Freud's text. There is *the surprise claim*, and there are two very *unnatural formulations* about Florence's anxiety attacks: far-fetched and singularly uninformative. What is meant by the claim that the attacks "*preferred"* a certain hour? and *what* hour was preferred? If the attacks were evenly distributed over 16 waking hours a day, some 6% would occur during each hour. If the surplus during one particular hour was slight, say, 8%, Freud's formulation would be formally true. If there was none at all, a *slight* and *indeterminate* predominance could safely be fabricated.

As was shown in Scharnberg (1993, II, §895 and §956ff.) it belongs to Freud's habitual techniques to use quantitative expressions which may evoke the impression of a considerable amount. But "a fire-escape" is built into them: should they backfire, Freud can prove that "he said nothing of the kind".

§99. *UNNATURAL FORMULATIONS* is a phenomenon to watch out for. From his theory Freud derives the empirical prediction that stinginess, obstinacy and orderliness (the so-called "anal triad") are never found in male homosexuals who practice coitus per rectum. He adds:

> "*IF* I am not seriously *MISTAKEN*, experience is *FOR THE MOST PART* in *good* agreement with this conclusion" (Freud, GW-VII:208f./SE-IX:175, my layout) [Q-99:1]

§100. Given a population of a million individuals served by 200 doctors, 20% ever visiting a doctor, 5% being triad-individuals, 70% being sexually active, 1,5% being male homosexuals, 75% of the latter practicing anal sex, and all properties being evenly distributed; then the probability is that a doctor would during his life see less than one male individual triad-individual practicing anal sex. Q-99:1 is replete with hidden reservations: nothing at all is asserted.

The same technique was plagiarized in a review of Gross (1980). This writer had criticized psychoanalysis because of the absence of any therapeutic effect. The reviewer first reproached the writer because of his alleged ignorance: psychoanalysts had never claimed to produce any therapeutic effect. Then she made a persuasive volte-face:

> "It is [1] *PROBABLE*, [2] *AFTER ALL*, that [3] *MOST* individuals who [4] *REALLY* go through a serious therapy of a long duration, will *come out on the other side* having got increased insight into their history and into the way in which it has moudled them. This increased awareness will [5] *AT THE BEST* lead to relief from obsessive ideas, inhibitions, emotional blocking, fear and anxiety" (Vinterhed, 1981; my layout) [Q-100:1]

At the best, the best will always happen. It is *absolutely certain* that *each and all* individuals who show *a very low commitment* to a *non-serious* therapy of *a minimal duration* will *at the best* be relieved of their symptoms.

§101. When we apply the criterion of simple isomorphy, we know four things in advance, and draw a conclusion about a fifth thing. There are two statements (or two groups of statements), S-1 and S-2.

(a) S-1 and S-2 have been emitted by the same person.
(b) S-1 and S-2 are isomorphic.
(c) S-1 is untrue.
(d) S-1 is deliberately false.
(e) [and then we conclude that] S-2 is probably likewise deliberately false.

Here, two properties of one statement are transposed to another statement.

§102. Let us try out another scheme:

(a) S-1 and S-2 have been emitted by the same person.
(b) S-1 and S-2 are isomorphic.
(c) S-1 is untrue.

(d) S-2 is untrue.
(e) [and then we conclude that] S-1 and S-2 are probably deliberately false.

This scheme is what I mean with the term *lateral isomorfy*. Take Table 97:1 as the point of departure and delete every constituent referring to intention. What if we knew (as we do indeed) that the former three descriptions are false, but did not know that the distortion or fabrication were deliberate? Each of the instances has a considerable internal complexity, and the relations between the constituents of each of them are parallel. Could such an intertwined structure have emerged without any intention?

It is not sufficient to give a negative answer. We need delineate the field of application of the rule. The scheme has not yet been validated. Hence, at its present stage it must only be used as a heuristic.

Chapter 16
The Extremely Extraverted Personality

Deception must be simple. Complex techniques of deception will almost always fail.
Erich Maria Remarque

§103. This personality is important for the psychology of lying, because many such individuals are at the same time very prone to lie, and very skilled in evoking the impression that they are telling the absolute truth. Judges and jurors are usually deceived by them.

The personality per se does not constitute a reason for rejecting an allegation, but it is a danger signal. Extraverts can be sexually abused, extraversion does not function as a kind of prophylaxis against assaults. But we need watch out so as not to indulge in the almost irresistable feeling that their accounts could only be true.

§104. With a few irrelevant exceptions, all people may be located on a *continuous* scale extending from the most extreme introverted to the most extreme extraverted. Strictly speaking, it is an incorrect but useful stenogram to talk of personality *types*.

None of them is "superior" to the other, and none is more prone to develop mental ailments. But highly different ailments may befall each type. Perhaps an individual is best off to himself and others, if he is not too far removed from the middle point.

§105. Two traits are more fundamental than any others. Increased extraversion is associated with a reduced capacity for forming conditioned reflexes, and with an increased need of external innovative stimulation.

Simple and complex measured of conditionability are equally valid. If a blow meets the eye, anyone will close the eyelids. However, a tone may sound half a second before the blow. And then we may count the number of repetition of this *learning situation*, which are needed until the eyelid will close automatically and irresistibly. Extremely introverted individuals may need only a single occasion, while extreme extraverts may need an astonishingly high number.

The increased or reduced conditionability does not imply an inescapable fate. The extreme introvert may never experience the kinds of events risky to him. And the diminished capacity of the extravert child may be compensated for by an upbringing which includes sufficiently many repetitive occasions.

§106. To the extreme extravert it is difficult to *learn* to control the musculature of the bladder, whence the risk of *bedwetting* is increased. He or she may also be *morally retarded*: the 12-year-old extravert may have

learned as much moral as the 8-year-old introvert.

Shop-lifting, thefts, and fabulation at an early age are other frequent behaviours. As regards fabulation, three causal factors are relevant, and most so the last one. (a) The reduced conditionability. (b) The need of innovative stimulation (more about this later). (c) Because of retarded moral development, the extreme extravert will experience little feelings of guilt. He may tell the most flagrant lies with the most honest facial expression and tone of voice. His reduced capacity for learning the advantages of lying, is amply compensated for by the supply of learning occasions generously provided by the environment. Over and over again, he will gain the desired benefits or escape the approaching threat by successful deception.

Other features are *insensitivity of the suffering of other people,* and *a greater susceptibility to suggestion.*

§107. The need of innovative stimulation is easy to observe. The extravert is *craving for amusement,* and incessantly for *new kinds of amusements*. Rave parties, sexual promiscuity, abuse of alcohol and drugs, speedy loss of interest in academic courses as well as sexual partners etc. when novelty has gone. One man bought a new car every month because he became tired of the preceding one.

Many teenagers, but in particular extraverts, may feel *difficulty of concentration*.

To sum up: from the two fundamental traits - the reduced conditionalibility, and the increased need of external and innovative stimulation - follow a series of other traits: craving for amusement, a tendency of performing antisocial and criminal acts (thefts and shop-lifting, often at an early age), proneness to lying and the ability to lie with the most honest facial expression, a reduced sensitivity to the suffering of others, increased suggestibility, reduced capacity of concentration, and the increased proneness to bedwetting.

Chapter 17
Illustrative Cases of Extremely Extraverted Girls: Elisa and Embla

Nothing is as stable as theatre wings.
Kurt Tucholsky

§108. About one third of my sample consists of extremely extraverted girls. Fourteen-year-old Elisa and nine-year-old Senta have the same father but different mothers. Both mothers collaborated with the aim of having their former partner sent to prison (they did not succeed). They even started a local association against sexual abuse. - Senta could recall assaults daddy performed when she was two months old. She could also recall extraordinary details about how he handled her at that age, when he changed napkins etc. Scientific psychology is aware of the impossibility of recalling any events from this age. The child's memory was strangely tuned to the mother's: apart from the assaults, she did not recall one single detail of which her mother had not been an eyewitness.

But the interesting girl is her sister Elisa. The police report by the social welfare agency contains a *typical* description of extreme extraversion; e.g. her extensive boozing and being on the spree, and her proneness to become tired of any activity when the novelty has gone. She had attended a number of courses in dancing. “To begin with, everything was novel and amusing, but after a few occasions she dropped out. The same pattern was repeated with regards to preparation for confirmation.” At the age of 12 she started to drink beer during weekends, and only in exceptional cases was she sober from Friday to Sunday. She associated with boys who were much older, some of them about 25. Beer, wine, and liquor, without any moderation. She was drunk every weekend. “Sometimes she lost consciousness and had to be taken to the hospital”. Difficulty of concentration was also noted at school.

Her extraverted behaviour made the social agency take her to a home-like institution. But she ran away several times. The institution invented the explanation that Elisa's behaviour was caused by sexual abuse. This idea was welcomed by her mother, and soon afterwards Senta likewise recalled abuse.

§109. Still at 13 Embla was a bedwetter. At the age of 10 she stole the cash savings of the school class. She repeatedly stole money at home, as much as 50 Crowns at a time. When found out, she invariably denied everything with the most honest face. Later, her parents would find a note with the words #Forgive me”; or she would ask her (maternal) grandmother to clear up things. For years, the school, the social agency, and the police

had repeatedly contacted her parents because of this habit.

When she was 14, she and a pal were caught in flagrante delictu shop-lifting. Her pal returned the object (a little chocolate). But with the booty under her coat Embla boldly denied everything. Since this was a small community, the shopkeeper asked for her name to contact her parents. But she spontaneously invented a false name.

A while after the proceedings in the district court, Embla retracted the allegation. She applied her usual strategy when she had got into trouble: she "forgot" a note at granny's and asked her to clear up things. Her retraction letter was published in the local newspaper, whence the social agency learned about it.

Embla was immediately exposed to prolonged and secret interrogation by the social agency, whereafter the police took over and reproached her. She was forbidden to live with her mother, who had taken a neutral stand. The abuse had not necessitated psychotherapy, but the risk of a retraction immediately did so.

After the conviction of the father by the district court, the police decided that Embla's antisocial behaviour derived from the abuse. Every act was forgiven. Hence, her shop-lifting reached an entirely new level. Her new foster mother repeatedly found much underwear in her room which had not been there previously. When she asked Embla's mother about it, the underwear disappeared. She also found a new gown and a pair of expensive shoes. Embla fabricated that she had got the shoes from her grandmother, and that she had bought the gown for 500 crowns: granny had bribed her to retract the allegation. - In the Court of Appeal the pseudo-witness-psychologist Barbro Sterner strongly attacked the mother for having worried about the daughter's stealing, and also for not having immediately deemed the sexual allegation to be an indisputable truth.

§110. In the judgement by the district court we may read about one of her school teacher's reaction upon the allegation:

> "When Embla told this she looked deeply into [the teacher's] eyes, and she got the direct impression that the girl was without any doubt telling the truth." [Q-110:1]

I do not attribute any evidential power to an individual's frankness in looking into the eyes of other people, but judges usually do. *But not in the present trial*. The father had got himself a competent attorney in the Court of Appeal, and Embla avoided both his and the judges' eyes. The defence counsel devoted 5½ hours to the interrogation, and during this period she was able to provide a genuine answer to a total of one (1) question.

Her schoolteacher's reaction is closely akin to a description in Ekman's book *Telling Lies*:

> "Amazingly, people continue to be mislead by liars skillful enough

to not avert their glance. One of the things that attracted Patricia Gardner to Giovanni Vigliotti, the man who may have married 100 women, was 'that honest trait of looking directly into her eyes`." [Q-110:2]

§111. Embla's diary during 5 months has been secured - 3½ months before and 1½ months after the police report. There are comments on a total of 55 different dates. The diary is permeated with a light and optimistic mood. It is replete with expression such as "mighty fun", "damned fun", "rather fun", with occasional terms like "boring".

According to her statements to the police and in the courts, she would tremble for hours after an assault. But a few hours after an unambiguously dated alleged assault she started the entry: "*Hey and hoe! Rubber toe! Today I have had really fun actually."*

The girl's extraverted craving for (legitimate varieties of) amusement is flagrant from the diary.

Embla definitely liked her father. She and her brother would more or less fight to sit next to him when the family was viewing TV. But in the Court of Appeal she manifested her insensitivity to the feelings of other people. Her father had red eyes because of sorrow of what his beloved daughter had done to him. His knees were trembling for fear when the chairman of the Court of Appeal told the defence counsel that *the court will obtain no guidance in deciding who is telling the truth, by seeing that Embla cannot answer any questions*. The counsel should conduct the interrogation in such a way, that he facilitates for the girl to produce a coherent account. This was an unambiguous indication that the judge had decided in advance to send the defendant to prison, and did not bother whether he was guilty.

But Embla was enjoying herself as if she attended a circus performance. Her mother was shocked by seeing the happy and laughing girl in the pauses.

§112. Two days after the judgement of the district court was pronounced Embla wrote in her diary:

"Hello!

Today I had fun. How did you feel today? Oh, you had fun too. At the household topic I had no failures. We made Chinese food with rice and as a dessert we made a cheese cake. It was damned good. In biology we participated in a competition about words related to knowledge of sex. Those who won might go home earlier. I, Anna and Bert won and had 68 points. We went home two minutes earlier. During mathematics we played bingo. Whoever won would receive 5 crowns by Karin [evidently the teacher]. Doris Rinkeby won. She was the first to finish all her columns. When I came home my cousin Erik was there. He talked to me about daddy and everything that had happened. When I entered, I took my bag to my room. Then I went down. Erik called and asked Nic if he would like to stay over the night with Erik and Aina. Magnus would also like to, hence we drove down to Falk Lake. We stayed there for somewhat more than an hour. Then Mum and me went home. When I came home Sandra was out for a walk with King [= the dog]. I joined them. Sandra

refused to drive Irene's moped unless I did [too], hence Jessie had to show me how to drive Irene's moped. I succeeded rather well actually. It was a little difficult to stop but after a while I learned. We went to Sandra and stayed for a while. Then Irene drove me home on her moped.

Good night!

Maybe we shall see each other again tomorrow if I am up to writing!

I love Conny." [Q-112:2]

I repeat: about one third of the girls of my sample have an extremely extraverted personality.

Chapter 18
Discrepant Views, and Summary

Nothing is "inconceivable" to a man who sets seriously about the conceiving of it.
Charles Sanders Peirce

§113. A number of indicators will be presented together with the analyses of the concrete cases. They will be summed up in §415. An entire class of techniques of lying will be altogether skipped, because these techniques are primarily encountered among clinical psychologists and expert witnesses, but less often among alleged victims.

A few words may be added about a few *invalid* indicators.

Ekman (1991) reckons slips of tongue among the valid indicators. This is the only place in his book where his assertions are not based upon his own research (Scharnberg, 1994a). He has uncritically adopted Freud's view. He has even had the misfortune of illustrating the validity with slips by a patient described in Freud (GW-VII:205f./SE-IX:171f.). But these slips are flagrantly faked, as has been shown by Scharnberg (1993, II, §§1042-1046).

§114. In §§79f. were presented two typical instances of the methodology of the pseudo-witness-psychologists for assessing allegations. In ch. 36 I shall list all the criteria which Egil Ruuth presented in a lecture to the Court of Appeal in Stockholm in 1994. A psychiatric approach at the same level is described by Frank Lindblad (1989a:38), who is often considered the foremost expert in Sweden. In a family with a stepfather, both parents neglected the children. The oldest daughter, in her early teens, had to take care of the household. According to Lindblad, fulfilling the duties of an adult woman as regards the household is *similar* to fulfilling the duties of an adult woman in the bed. Hence, the girl's household activities provide evidence for sexual abuse. - The reader will immediately recognize *the principle of similarity* described in §95 (and more extensively in ch.81).

By means of deductions of this variety, Lindblad found sexual abuse in 26 cases out of 27. One case (not belonging to the 27) is included in both Lindblad (1989a) and Scharnberg (1993), who arrived at the opposite conclusions.

Lindblad is a proponent of recovered memory therapy and has repeatedly vouched for the scientific nature of Lenore Terr's general ideas and testimony in the Paul Ingram case. For a decade he has propagated that children never lie about sexual abuse. Almost invariably, he denied the very possibility of indoctrination. He has declared in public that he could detect from one single TV program, that the defendants of the *Little-Rascal* trial, probably were guilty. In *the eleventh book* we shall see how he forged

evidence on behalf of the prosecutor in the case of Henriette. He is probably responsible for more false convictions than any other Swedish psychiatrist.

He is presently performing a study of 655 judgements by Swedish district courts. He - out of all people - will investigate the appropriateness of the verdicts and the psychological assessments. It is not even worth mentioning what result he will arrive at. But we can be sure that he will present his results in such a way that no reader can check his evaluations in any individual cases.

By a sheer accident, 10 of Lindblad's cases are analysed in my two volumes: Betsy, Elvira (=2 cases), Embla, Erna, Huddinge, Rachel, Vanessa, Vessela, and Zelma. Nine of these led to false convictions by the district court. The only (and correct) acquittals was reversed by the Court of Appeal. One more out of Lindblad's cases, Carola, is described in Scharnberg (1993, I, ch. 28).

§115. It is time to sum up the cornerstones and indicators of the second book, together with the reasons why human beings are not more proficient in seeing through lies. A few facts not discussed above will be added from Scharnberg (1994a, ch. 10).

L-1: *Lying is a technique of persuasion.*

L-2: *We should not look upon the virtuoso liar as a person who has invented highly effective techniques of deception, but as a person who has passively adapted to the ordinary weaknesses of human beings.*

L-3: *A deficient reality feeling is often prominent, because of lack of familiarity with the "small-print" features of reality.*

L-4: *Because of this deficiency, the sender of the lie is seldom capable of constructing a state of things which could have been real.*

L-5: *Because of the same deficiency, the receiver of the lie is seldom capable of detecting the impossibility of the state of things described.*

L-6: *It is extremely difficult to produce a non-trivial account with such a logical structure and psychological consistency, that it could have occurred in the real world.*

L-7: *By contrast, to a sizable minority of people it is very easy to produce and reproduce an account with the correct expressive features (tone of voice, facial expression, choice of words etc.).*

L-8: *But human beings feel an almost irresistible inclination to look for lie indicators where they cannot be found (viz. among the expressive aspects), while they are prone to overlook them in places where they are conspicuous (viz. in the logical structure and degree of psychological consistency).*

L-9: *It is definitely not true that a long-standing experience as a judge, a psychiatrist or a clinical psychologist will enhance the capacity for seeing through lies.*

L-10: *Most, and probably all, lies derive from two and only two sources. On the one hand, there exists a standard repertoire of things which may be attributed to almost any person or state of affairs.*

L-11: *The other class of lies consists of modifications of authentic occurrences.*

L-12: *Fabulated versions tend to become increasingly more extreme and comprehensive, as time goes by. The cause derives from the changed adaptation level. However, a changed adaptation level may also lead to increased courage to tell the whole truth.*

L-13: *Twin lies consist of the false message which the sender wants the receiver to believe, supported by a second message whose aim is to give authority to the former. The important aspect of twin lies is their enormous persuasive effect. A statement whose form is indistinguishable from a twin lie will by most judges be perceived as bearing the stamp of truth upon it.*

L-14: *Embedding a deliberately false message in the claim that the facts came as a complete surprise to oneself, may greatly facilitate success.*

L-15: *The habitual fabulator will make every lie rest in itself, without bothering about its relation to (e.g. compatibility with) other lies or to well-known external facts. Because of his complete absorption with one thing at a time, his persuasive power may be greatly enhanced.*

L-16: *Extremely extraverted persons are not only prone to lie. They are particularly skilled in evoking the impression of the honest person telling the absolute truth.*

L-17: *When the habitual fabulator is caught telling a lie, he may escape by means of a new lie.*

L-18: *A lie may be so gigantic, that people feel themselves unable to imagine that anyone would dare take such a thing in his mouth unless it was were true. Hence, the listener will conclude that the assertion is indeed true.*

L-19: *Deliberately false accounts may show instances of self-reflexive mnemonic displacement. One should watch for other kinds of displacement, but they do not prove much in themselves.*

L-20: *The criterion of simple isomorphy entitles us to transfer the truth value and intention of a statement to another isomorphic statement.*

L-21: *The criterion of lateral isomorphy must at the present stage only be used as a heuristics. From the known factual falsity and isomorphy of two statements, we infer that the falsity was deliberate.*

L-22: *Both the size and peculiar nature of contradictions may be illuminative.*

L-23: *Unusual and inappropriate richness or poverty of details should be noted.*

L-24: *Errors of abstraction is a heterogenous family, comprising: empty*

abstractions where concrete details would be fitting; references to classes where references to instances would be fitting; and the division of the information in oblique unnatural classes.

L-25: *Unnatural formulations may reveal the intention of distorting or concealing something.*

L-26: *Looking for conclusions based upon the principle of similarity in legal testimonies of clinical psychologists may strongly facilitate exposing lies.*

L-27: *The assertion is not true, that becoming upset in relation to certain questions or topics, constitute a valid indicator of lying.*

L-28: *The assertion is not true, that slips of tongue constitute a valid indicator of lying.*

L-29: *The relation between the liar and the detector of lies is somewhat akin to the relation between the hunter and the prey. The more skilled the detector becomes, the more skilled the liar need be in order not to be exposed. And vice versa.*

Third Book

The Girls' Semi-Testimony

Chapter 19
The Double Murder Committed by Muriel and the Sudden Explosion of the Incest Craze in Sweden

We should not only execute the guilty ones. Execution of innocent people will impress the masses much more.

Nikolai Visilyetch Krylenko

§116. Around 1980 a reporter claimed to have disclosed that the Charles Lindberg baby was not murdered in 1932. The police found him on board the boat in the river, just as the kidnappers had promised. But the FBI had the child adopted under a new identity, took care of his clothes, selected a suitable corpse, and dressed the latter in the kidnapped baby's clothes. Eventually, the corpse was found and identified by means of the clothes. Fifty years later Charles Lindberg jr. was still alive, and the reporter had identified him. An interview with him was sent all over the world, including Sweden.

The motive of FBI was to gain large funds, much power, and more severe laws. Without the feigned murder, the congress would hardly have passed the bill on the death penalty for kidnapping.

I can have only a layman's view on the whole matter. But I believe this was just another Anastasia story. However, a false story just as well as a true one may be a source of inspiration.

§117. In 1985 a 14-year-old Swedish girl (henceforth called “Muriel”) shot *first* her mother and *then* her father. One of the utmost fanatic leaders of the incest craze within the police was engaged (or had herself engaged?) to perform the interrogation. This is strange, because she was working in a quite different part of the country, and Muriel had *not* in the beginning said a word about sexual abuse as her motive. During the interrogation it was made clear to the girl that she would escape all negative consequences, if she had shot her father because he had abused her, and had shot her mother because she had tolerated the abuse. After a series of interrogations she got the point. The story was immediately spread over the entire country. The parents were depicted as the real criminals, while Muriel was a victim to be pitied. She was given a new identity and every kind of help from the authorities.

This was one of those *two (2)* events which were most influential in changing the general opinion in Sweden. The other was the Norwegian TV programe *Throwaway Children*, shown in Sweden 881018. Without the exploitation of the double murder, Violet's and Betsy's fathers would at that time hardly have been convicted on the basis of such meagre evidence. Betsy is known to have seen this program. Her first confession of sexual

intercourse occurred 881101.

§118. I shall quote an excerpt from a TV interview with the interrogator of Muriel, transmitted about two weeks after the murder (R=reporter, I=interrogator). The reader should carefully observe that he is supplied with *an illustrative example* of a *very detailed* account, in which the wealth of details prove the truth. I have not cut away a single word from the answer.

R: How do you know that a child is telling the truth?
I: We always take for granted that children are telling the truth. And then we ask them in a very detailed - - and - - - I don't think you could recount with so much details if you had not experienced it yourself.
R: Could you give me an example?
I: Yes well, children might for instance say that - - daddy peeweed into my face. - - - And, this may mean then, well, that he had an ejaculation.
[Q-118:1]

In accordance with the general mature and discrete attitude of Swedish mass media, Muriel's anonymity was protected. Nonetheless, everyone in the local town knew who she was. The school conducted a comprehensive campaign on incest. All teaching and other personel participated. Information was disseminated in numerous forms. A female police expert from a third part of the country was engaged. The students were strongly encouraged to report any experience. The school welfare officer had an individual talk with each and every student.

Chapter 20
The Entire Narrative by Violet With the Phenomenal Memory

One single hangman could substitute for the entire court.

Franz Kafka

§119. *Violet was one of Muriel's schoolmates.* In the courts she denied having had more than a neglectible contact with the topic of sexual abuse, apart from her own experiences. The judges were perfectly aware of what Violet had been exposed to at Muriel's school, but feigned to believe her.

Part of the case was described in ch. 8. Violet obediently went to the police and reported her father. Her mother (Rosa) reported him of having also abused the five-year-old brother Hans, who had a lax anal sphincter. The police interrogation of Hans was meticulous. The same pattern was repeated over and over again. The following is a digest rather than a quotation:

> You know that no one may touch your behind. - Yes. - Anyone who did it? - No. - None at all? - Yes. - Who. - [Hans mentions a boy of his own age.] - No big people? - No. - None at all who did something mean to you? - Yes. - Who? - [Hans mentions a 12-year-old boy.] - What did he do? - Throw snowballs. [Q-119:1]

The father (Georg) was never tried of abusing Hans. But the courts overlooked the possibility of a connection between the two allegations.

§120. Violet was 17 years old at the first police interrogation. Despite repeated questioning, Violet's memory was empty, except that she had been abused. Only much later did she say that the period started when she was 11-13 and stopped when she was 16.

Abuse of Violet was a permanent constituent of the entire family atmosphere for some 8-10 weeks prior to the first police interrogation. Nonetheless:

> "The interrogator points out to Violet that she has been very vague as to the details or rather the occasions. Could she herself supply any explanation as to why this is so?
> Violet: 'If only I knew.`" [Q-120:1]

> [Interrogator:] "'But dear little Violet, isn't there any event you could connect things with so as to arrive at any specific occasion? What I am thinking of is, if it was your birthday, if something special had happened in the family, or if a friend of yours had made a call, or something of the kind. If you could search your memory for any

such things to connect with some of the assaults, in time and also in execution.`
Violet shakes her head and says that she cannot do this." [Q-120:2]

The risk was overwhelming that there would be no trial at all. We have seen in ch. 8 that someone else wrote a short-story about what Violet had experienced, whereafter she learned it by heart. I shall not devote space to prove (a) that any hypothesis involving anyone else than the mother, will collapse under the weight of far-fetched auxiliary hypotheses; and (b) that Violet had a perfectly normal memory.

§121. The police interrogator advanced *three* suggestions: her birthday, a special event in the family, and a friend calling. Violet (or probably her mother) took *exactly these three* suggestions ad notam. Six weeks later the girl returned and told that, when she was 12 years old, she got a bicycle "more or less because her father had used her as a sexual object". Because of the cost, her father opposed her calling many long-distance calls to friends. But "on a few occasions she got permission to call to L-town in connection with some sexual assaults her father had performed. Therefore she thinks it is very likely that she experienced such an assault around August the 15th."

In both courts Violet explained the nature of the first interrogation as the result of her being shy in front of an unknown male. But this explanation does not fit with the facts. A victim with conscious recollections might try to surmount her shyness (which could hardly have been directed against specific occasions). She would not look into her diary to assist recall. And at the second interrogation Violet did *not* claim to *recall*, but to have *deduced* the times. Both entries from her diary are from August 1983. Is there no relevant information during four years, or did she write a diary for only a brief period?

In both courts she claimed to live in incessant fear of meeting her father. After her parents' divorce she incessantly turned around to see if Georg was there, when she was walking in the street. But do Q-120:1 and Q-120:2 derive from a girl who did so on her way to the police station?

In the courts she also repeatedly semi-testified that she got a lot of presents, as bribes. Around August 1982 one assault a month occurred. But her long-distance-calls during one year would cost much less than a bicycle.

Violet behaved like a student who on a test on the geography of Belgium had been unable to answer a single question; who had been told to go home and learn the names of the greatest town, river and mountain (as examples, of course); whereafter she returned and had learned exactly what she explicitly was asked to, but nothing else.

§122. The police officer was skeptical. But he made a serious mistake: Violet was sent to the child psychiatrist Elisabet Bosaeus, a fanatic incest ideologist. After having met the girl five times, she wrote an affidavit: Violet had told the truth, and her symptoms provided independent proof. In the Court of Appeal, she added six special proofs, one of which involved Violet's

dreams.

In ch.8 was described the astonishing parallel relation between the girl's semi-testimony in the two courts. Clearly, Violet was unfamiliar with the small-print features of her own mind, and incapable of imagining how she would have reacted, if she had really been an incest victim.

When I performed the analysis on the basis of nothing but the court semi-testimonies, I was totally ignorant of the following fact. On one occasion Violet's mother had to defend herself to her boss. She prepared herself extensively for the meeting, trying to figure out what questions he might ask, formulated detailed answers to give, wrote down all questions and answers, and spent much time in learning them by heart. Since the situation was realistic for her (in contrast to the incest situation for Violet), she did not commit the mistake of teaching herself the sheer verbal formulations.

§123. We shall remain at the parallel relations. The first 33 items of the interrogation consisted of 1758 identified words in the district court and 1218 in the Court of Appeal. Only some half a dozen words are inaudible. Table 50:1 consists of item no.7. Attention should be paid to the differences and their close connection with *pauses*. In the following list the items in the district court are placed *before* the equation sign, and those of the Court of Appeal *after*. "Missing" is abbreviated: "miss".

> 1=1, 2=2, 3=3, miss=4, 5=8, 6=miss, 7=7, 8=5, 9=9, 10=10, miss=11, 12=12, 13=13, 14=14, 15=miss, 16=miss, 17=miss, 18=miss, 19=19, 20=20, 21=miss, 22(greatly reduced)=22, miss=23, miss=24, 25=25, 26=miss, 27=miss, 28=28, 29=29, 30=30, 31=31, 32=32, 33=33

Item 4 is a brief addition, trivial in content, about what family members were living at what floor. Note what follows immediately upon item 4 (it was already quoted in Table 50:1):

"And (**a pause of 3 seconds**) in (**a pause of 4 seconds**) he cae-, he always (etc., a smooth continuation)."

The most reasonable explanation is that item 4 was a spontaneous addition. But because of this addition, Violet lost the connection to the item which should have followed. She eagerly searched her memory like an actor in the stage. She made two abortive attempts at going on, but then found a connection to item 7, and went on in a smooth way after having skipped two items. Having delivered item 7, she could hardly fail to notice that the logical structure required item 5, before she could go on to item 9, hence she inserted the missing link.

Item 10 in the Court of Appeal is likewise followed by a pause of no less than 5 seconds, which she eventually fills out by the information that Georg would always kiss, fondle and suck her breasts, an information she had never supplied on any earlier occasion.

§124. Because of space considerations, I shall not analyse all the pauses. All of them have the same character. Two aspects must however be emphasized. First *a methodological point: the systematic study of pauses*

may pay.

Second, even the most skilled judge would have no chance of detecting such revealing aspects during a trial. Words are whirling around, and few of them will ever reach the judges' long-term memory. Cf. the flood analogy described in §14.

When criticism is leveled against written judgements and the meagre and illogical nature of the reasons justifying the verdict, Swedish judges may retort that they really based their verdict upon expressive features, e.g. facial expressions and tone of voice; and that only those who were present in the court, are in a position to entertain any view on their decision. However, pauses belong to the expressive features. The present analysis reveals that judges *overlooked* the important expressive features.

§125. When Violet had not prepared the answer in advance, she was a very poor improviser. She repeatedly claimed that Georg had performed an assault *each and all times* her mother was working at night. In the Court of Appeal she was asked *how often* her mother was away, and whether it ever happened that *Georg was on his job on the same night as Rosa*. Violet either said she didn't know, or she aggressively told the attorney to ask her mother instead, since she did not keep an account of her mother's schedule. After many questions she did admit that both parents were sometimes working on the same night. She even recalled that on such nights it was *her* task to put the youngest child to bed. A few minutes later she repeated that *each and all times* her mother was working at night, Georg carried an assault.

The Court of Appeal (A:son Sjögreen, Främby, Johansson, Jonasson, Svensson) wrote: “Neither has Violet during subsequent interrogation had to retract on any crucial point what she had previously recounted.”

§126. Two to three assaults a month had allegedly occurred (inter alia) during the former half of 1983. But at that time Rosa was absent from her job because she had just had a child. Violet tried to escape the problem by suggesting that Rosa sometimes went away to visit relatives or attend religious courses. But asked how often Rosa did such things, Violet refused to answer.

Or she might have been home from school because of illness, and Georg might have been at home while Rosa happened to go shopping. Now, Violet was away from school only during *6 consecutive* days in January and *7 consecutive* days in March. Supposing Georg to have abused Violet on all these days, 13 days during 5 months would indeed yield *a mathematical mean* of 2-3 times a month. But it would be awkward for a girl who had experienced *two massive clusters* of assaults to describe the frequency in terms of *the average number per month*. We are here confronted with an excellent illustration of *a faulty level of abstraction*.

The same lie signal is observed in the following excerpt from the interrogation in the Court of Appeal. Cf. §93 on *the classification of personal experiences according to the calendar*.

> "I shall say, once a month in the beginning - until around August 82 - thereabout. Then the school semester 82-83 and the seventh year started (pause for 3 seconds). And then it was about (pause for 2 seconds) well (pause for 2 seconds), two, two to three times a month." [Q-126:1]

§127. Over 18 months Violet stated four different times as the start of the abuse, and she became increasingly younger - from "13" to "11 or 12". We cannot be sure that this is an instance of the Falstaff principle, because genuine recollections likewise tend to become more extreme as time goes by. But when contradictions derive from the honest attempt at telling the truth, the version first supplied is usually the most authentic one.

§128. Violet claims that the very first person whom she told about the abuse was her future husband. He confirmed that she confessed to him in April 1987. Both Violet and her mother claim that the mother was told 870518.

The Court of Appeal explicitly saw very strong evidence in "the fact" that "she did it [=told about the abuse] to the man she loved at that time and wanted to marry, a thing that might have lead him to abandon her".

Many questions are involved here. Is "the fact" factually true? *We* know that the idea originated from Rosa who imparted the idea to Violet. But did the court have any evidence for or against "the fact"? Is "the fact" compatible with what Violet said elsewhere? Is the logic of the court valid?

§129. According to the literature on *evidence evaluation*, judges are supposed to apply "*general facts of experience"*. Here, five judges have agreed upon "the general facts of experience" that (a) males who are told that their girl-friend is an incest victim, are inclined to abandon her; that (b) girls are aware of this male inclination; and that (c) girls therefore abstain from telling their boy-friends about sexual abuse. - It is by no means a rhetorical formulation, but the appropriate expression from the scientific point of view, that such ideas belongs in the context of sewing circle gossip and beer-house talk. By contrast, it *is* an *authentic* general fact of experience that many individuals may try to make their partner love them more deeply by [dis-]informing him or her about certain secret handicaps of theirs. Sometimes this policy will be successful and sometimes it will backfire. A confession of the kind at hand may appeal to "the protective instinct" of many males, not least to Violet's 18-year-older boyfriend. Having observed his personality, I would have been surprised if he had hesitated to "take his responsibility" and had not come to feel closer to her. Besides, quite a few girls belonging to my sample told or falsely claimed to have told their boy-friend about abuse.

§130. How do the judges know that the future husband was the first person to whom Violet confessed? *How do they know this was not just a typical twin lie?* Unfortunately, most judges feel in their heart that any twin lie bears "the stamp of truth".

Are there any signs that *Rosa pre-arranged* that the future husband would be the first one, because she felt that such evidence would impress the court?

When Violet told her mother, the mother "did not know how to handle the situation". She called a family council: herself, her brother and Violet. *The brother not Rosa* suggested a report to the social agency, which in turn reported to the police. - With a boring monotony this pattern is repeated: the originator of the false accusation stays in the background, takes small and indirect steps, and makes others take the significant measures or advise her to take them. With an equally boring monotony judges will take this pattern to prove that the originator had definitely not invented the accusation, since she had hesitated to take action.

§131. There exists two different versions as to how Rosa learned about the abuse. *Both are confirmed by both the mother and the daughter*. (a) Rosa repeatedly told Violet to stop a telephone call with Georg, but Violet was too shy to break. When she finally hanged up Rosa said, "I think you are rather insolent to me". And then Violet could stand it no longer but confessed. (b) Violet, her mother and a female member of the congregation were sitting in the kitchen. The guest told about another victim. Violet suddenly left and went to her room. Realizing that something was not in order, the guest followed her and had a long talk with her. She eventually came out and said to Rosa: "Violet wants to tell you something." Violet also came out and told what Georg had done.

Since Rosa was the originator, the telephone version cannot have taken place. As for the guest version, the only questions are whether Violet seized the opportunity, or whether the entire event was pre-arranged by Rosa. *Jehova's Witnesses* had in Sweden been highly interested in incest since the early 1980s, and the Muriel case had taken place two years earlier. It would have been easy to induce the guest to "introduce" the topic. And it is a classic technique to have a message extracted under considerable difficulty.

We can be fairly certain that the telephone version was *first* invented; and that Rosa and Violet forgot to drop it when the superior guest version emerged by incident or was pre-arranged. They overlooked the inconsistency because of their deficient reality feeling. Note the close isomorphy between Violet's two confessions: it is a wise policy to obtain a witness who could confirm that Violet had told Rosa and not vice versa.

Note also the partial isomorphy with the indirect strategy of calling a family council. Hence, the most probable explanation is that Rosa pre-arranged both confessions.

Did the judges notice this pattern even as a theoretical possibility?

§132. Georg left the family in the beginning of 1987. At the end of April he had come home to fetch some things, and had a talk with Violet. She has provided two versions. (a) Georg had asked Violet never to tell anyone about the abuse, because otherwise *he* would have to go to jail. *This was the very first time this schoolmate of Muriel's learned that incest is a*

crime. (b) Violet had asked Georg never to tell anyone, because otherwise *she* might be expelled from the congregation. - Here, it is easy to recognize the *self-reflexive mnemonic displacement* as illustrated by *the anecdote about Brahms and Liszt* (cf. §91).

More time relations. At the age of 15 Violet decided to be baptized. The ceremony took place early in December 1984. Allegedly, Georg had promised not to abuse her after the baptism, and he kept his promise for three months, until the end of February.

Muriel's double murder took place in January 1985. All family members agree that Georg was mad and said one should cut off the --- of people who did such things. If Violet (a) had become a full member of the congregation, with full responsibilities; (b) had experienced no abuse for three months; (c) had hoped she would never be abused any longer; (d) had listened to Georg's hypocritical outbursts; and (e) had learned that a girl of her own age could be so severely harmed by incest that she shot both her parents; then the very first and "unexpected" assault after the stop must have been experienced in an altogether new way, and must have stood out in full relief in her memory.

Nonetheless, Violet had not the slightest recollection of the first assault after the break (nor of any other specific assault). When asked questions about what happened on that occasion, Violet invariably gave answers about what happened during the entire class of assaults. Cf. what was said about the faulty level of abstraction in §93.

(Possibly, the pause around the baptism was aimed at preventing the elders from casting doubts on the validity of the ceremony.)

§133. Another detail also exists in two versions. At each assault Georg (in the district court) or Violet (in the Court of Appeal) carefully arranged the Venetian blinds so as to prevent outsiders from observing the abuse. However, in the Swedish language, the substitution of the definite article with the indefinite pronoun will radically change the meaning of the verb: "I always ARRANGED *the* Venetian blinds" changed in the Court of Appeal into "I always PROCURED *some* Venetian blinds." *Getting hold of the wrong end of the stick* is a recurrent phenomenon in indoctrinated pre-school children (cf. §647). Violet must have been rather inattentive when learning the text by heart.

Note *the isomorphic relation* between a series of examples. Was it Violet or Georg who arranged the Venetian blinds? Was it Violet or Georg who told the other to keep quiet about the abuse? Was it Georg or the younger children who in Table 50:1 had forgotten something? A fourth example: had Georg read in a sex magazine of a girl who had experienced 13 orgasms during one single sexual act, or had he produced such a number in his daughter? Cf. the Brahms-Liszt anecdote in §91. A girl with access to authentic experiences would hardly have been in doubt as to whether she or someone else had had 13 consecutive orgasms.

§134. We shall later meet the child psychiatrist Elisabeth Bosaeus, who

claimed to have a unique insight into Violet's mind on the basis of 30 years of clinical experience. But despite a protracted therapeutic relation, she had no idea of the 13 orgasms, nor of any other non-trivial fact of the case. Asked in the Court of Appeal, she simply answered that 13 orgasms during one act are possible since man is a biological creature.

Violet claimed to have become shy and timid at school, and to have come to talk in a low voice. A teacher had even mimicked her because of that. But neither her teachers nor her fellow students had noticed any of these features or events.

Some fabulators will make every lie rest in itself, and not bother about its compatibility with other assertions or with indisputable external facts. Others will *carefully construct their accounts with the aim of making them non-testable and, hence, irrefutable.* An account aimed to be irrefutable, may not actually be irrefutable, inter alia because of the deficient reality feeling and the low familiarity with the small-print features of reality (cf. ch. 11). Or the fabulator may be eager to achieve irrefutability in *some* respects, and show disregard of compatibility in *other* respects.

I shall not speculate as to whether Rosa did not dare take the chance that Violet might be a virgin. But *only such acts are attributed to Georg which would leave no somatic signs*: petting, mutual masturbation, fellatio, and 1-cm-coitus.

A list of sexual positions was also supplied, which included the swan position. No little acrobatic competence is needed for repeatedly performing 1-cm-coitus in the swan position without breaking the hymen. When Rosa tried to compromise Georg by inventing a series of unusual positions, she seemed to have given no thought to Violet's hymen.

Chapter 21
The Alibi Case and Betsy's Depression

> *Moreover, it was a well-known fact in the village, that this Roman Bertini repeatedly had abused his position as a tutor to touch his female students in undecent ways. There could be no other explanation of the exceedingly speedy process of maturing of, in particular, Christa Garchert, who already before her confirmation had started to use silk stockings.*
>
> Ralph Giordano

§135. We have seen in §§24-27 that the father (who will henceforth be called “Fred Norland”) had a perfect alibi for one of the 6-8 acts of rape which Betsy attributed to him; an act for which she could not have mistaken the date. We have noted logical contradictions and psychological oddities in her narrative (§§69 and 93). The 15-year-old girl was depressive. If a school teacher leaned toward her and asked in a friendly tone of voice, “How are things going here?” Betsy would burst into crying. These reactions made the school nurse suspect that she was an incest victim. 880909 was the very first date the girl was told about the suspicions, and a meeting at the social agency was arranged. At most two days later Betsy tried to take her life. During October she was continually pressed by the school nurse, the school welfare officer and a social worker. She gradually succumbed. 880930 she said that her father had twice caught hold of her and tore at her clothes. Still 881026 she had not admitted anything more than *attempted* assaults. The social agency and the schoolnurse played a video to her to which we shall return later. 881018 she saw by her own choice the Norwegian TV program *Throwaway Children*. 881101 she saw a psychiatrist, Gunnar Bernler. A social worker was present during the session. This was the first time she admitted that her father had abused her, viz. since 1984 when she was 11 years old. Bernler wrote an affidavit to the police, in which he confirmed that these acts had taken place.

Eventually Betsy presented three letters to the police, two of which she had allegedly written immediately after two concrete assaults. She semi-testified in the court about Fred Norland's crimes. Questioned by the prosecutor, she told that her father had stolen and probably destroyed her diaries. Thereby, both she and the prosecutor knew that she had left them to the prosecutor. He and the social agency feared an acquittal if the content of the diaries became available to the defence. - Many of the crucial facts described below are documented in the case-notes of the social agency.

Fred Norland was sentenced to 8 years by the district court. The punishment was reduced to 4 years by the Court of Appeal, where *he was convicted with the votes 3 against 2* (!)

Betsy proceeded to write numerous letters to her father in prison (66 pages are available to me). *"I love you most in the whole world. You are more than a friend, much more."* The letters are formulated as if Fred Norland was enjoying his holiday at an attractive place. Betsy seemed to be out of tune with what she had done.

§136. Her mother left the family in *February 1986* when Betsy was *13*. Note both the year and her age. For two years father and daughter had an unusually beautiful relation (as they had always had), although Betsy, due to her depressive personality, suffered strongly because of his extensive overwork (necessitated by the sudden loss of the mother's income).

The innumerable and flagrant contradictions between and within the versions provided at different times, are typical of indoctrinated accounts which have no foundation in authentic recollections. But Betsy never denied that the abuse started *after* her mother's departure, and that it started in *1984*. Her first abuse letter (henceforth called "the Elin letter") is dated "6.4.1984", and Bernler confirmed in his affidavit that Betsy is telling the truth.

§137. *One pattern is recurrent. When asked whether a certain kind of thing happened, Betsy would deny in the beginning. After a while she would return and claim that exactly these things happened. And she would elaborate the account with idiosyncratic details of her own.*

Because of her personality, Betsy was highly susceptible to suggestion. Note also the isomorphic relation.

During the entire autumn the three females (assisted by Dr. Bernler) did their best to make Betsy confess to genital intromission. Betsy was taken by surprise when the police later asked about kisses and caresses. She explicitly and repeatedly denied anything of the kind. But during the third police interrogation and in the district court she recounted how her father had repeatedly kissed her face, given her tongue kisses, and had fondled and massaged her breasts.

No one had seen her letters 881026. They were handed over some time before 881212.

§138. There are three oral versions of the time of the first assault: the first weekend after the mother had left; a number of weeks after; four months after. A letter dated "May-86" claims to describe the *third* assault. The last assault took place either immediately before the suicidal attempt (cf. §27) or "1½ month before she moved to the foster family" (which she did 880908).

The Elin letter is about an 11-year-old girl who was raped by her father. "When Elin was eleven years old the utmost worst thing happened *for the first time"* (italics added). The *very next* assault was also described in the same letter. Betsy admitted that the Elin letter was about herself.

When it turned out that the description of the first assault during the first police interrogation was strongly discrepant with the description in the Elin letter, Betsy said that the first assault of the Elin letter was the second assault in reality. When this version was also refuted, she said it was about some assault later than the third but earlier than the last. Her fourth version was that it was *a paraphrase* in which she had combined elements from a number of different assaults.

According to both the letter and the first police interrogation, “some months” intervened between the first and second acts. If the second of the letters was the third in reality, the third act cannot have occurred earlier than in July. What then about the explicit claim in the May-86 letter that it is about the third act?

The chronologically first letter is dated “9.10.1983”. Sexual abuse is not mentioned. Betsy claims that she overheard a quarrel about a divorce, and was scared at the prospect of becoming a child of divorced parents. - But in 1983 the parents had no thought of divorcing.

§139. If 3 of the assaults had already occurred in May 1986, and the last one occurred 880909 or 880910, and the total number was 6 or 8; then Betsy must have been in doubt as to whether she had experienced 2 or 4 assaults during the intervening 27-28 months.

She indicated the frequency as “between 4 and 5 months. Rather long but I was nonetheless scared.” By dividing 30 months with 6-8 acts, such a *mathematical mean* would emerge (though neither Betsy's personality nor her school books are easy to reconcile with the idea that it would be natural for her to calculate or estimate the mathematical mean). But the empirical intervals implied are so discrepant, that they illustrate not only *the faulty level of abstraction* but also *the deficient reality feeling*.

There is an abundance of contradictions about the rooms in which the acts really or never took place; whether there was intromission; and whether she was fully dressed or had on only nightgown and pants. Most of the simple and conventional aspects are much less changeable than complex and unconventional aspects.

§140. Her father sometimes told her to follow him to his bedroom. She always followed without resisting. But when they had entered the bedroom, she would start kicking and screaming.

According to the Elin letter, the father came in crying and laid down next to her in her bed. They caressed each other in a legitimate way. But caressing gradually changed into rape. Afterwards he said that all *daughters* should have this experience when they grew old enough. - The letter contains close verbal plagiarations of the video shown to Betsy by the social agency: *Studio S: An Unparalleled Ignominy*, which was originally shown on TV 6½ years earlier. This is the same program which Violet's mother plagiarized, cf. Table 50:1. A comparable table may be constructed on the basis of Betsy's letters. Consequently, the social workers and the school nurse were perfectly aware of the fraud.

The May-86 letter consists of 155 words. 62-69% have *a direct counterpart* in the Elin letter. The latter is, as it were, a sexual destillation of the former.

Another version of the *first* assault: while she was viewing TV the father came in, cursed her, shouted sexual invectives, boxed her ears and said he was going to revenge himself upon the mother. Before and during the act he shouted the mother's name and seemed to believe that Betsy was his former wife. But in *none* of the letters is this conspicuous detail mentioned. It is standard psychoanalese that father's abusing their daughter may suffer from “displacement” and confuse mother and daughter. Hence, this interpretation might derive from Betsy's psychotherapist. (More about her in ch. 29.)

§141. Betsy never left the foster family during the weekend 880909, and Fred Norland did not come to the family. The foster mother had been loyal to any request by the social agency. But she had participated in a meeting in November together with the social agency and Bernler. She did not know that Bernler had at that time met Betsy only once. He had attacked her furiously when she vaguely suggested that it is not absolutely certain that the father was guilty. Soon afterwards the social agency handed to the county court a writ, according to which *Betsy* was *unhappy* in her foster home and had to move. The social agency had found a more suitable foster home - *with the school nurse!* She was suddenly taken away a few days before Christmas.

Betsy wrote often and much in her diaries. She had some literary ability. The diaries followed the calendar year. She arrived in September with a heap of diaries from the preceding years, and an ongoing diary where more than half the pages were used up. It is simply not true that she left the diaries at Fred Norland's house.

Allegedly, she had written at least 7 letters after the assaults. She hid them together with her diaries under the mattress in her bed. Her father must have found at least 5 letters and all the diaries, which he must have destroyed. Now, the handwriting of the three letters is highly discrepant from the ones found in her school books from 1983, 1984 and 1986. Betsy eventually made a volte-face (assisted by her psychotherapist, the school nurse, or her i-p-lawyer?): the letters were copies she had produced in 1987.

Why did she write *the copies*? Did she write copies of all 7 letters? Where did she *hide* the copies? Did Fred Norland find and destroy *some* of the copies? Why did he find some but not all of them? Why did she *not save the originals* rather than the copies when she moved to the foster family?

She semi-testified that she had called herself “Elin” in one letter in order to conceal what the letter was about, in case her father should find it. But a pseudonym would not deceive a father who would recognize the content. And Betsy claimed to have also written a *non-camouflaged* description of the very same assault.

§142. The letter includes an incident at school: she ran out and

vomited when the teacher was talking about incest. Is this also a *paraphrase*: she vomited on one occasion and there was incest talk on another?

It is easy to refute the hypothesis that Betsy experienced a gradually increasing courage to tell the whole truth. Instead, her courage increased to tell bolder lies; four parallel order relations can be observed in the letters. Some contradictions are typical of the unskilled liar who is left on her own to invent the details. But others can only be explained in one way: she followed the advice or succumbed to the pressure from several external persons, whose detailed views were poorly coordinated.

§143. Having studied many psychological (but no biological) theories on depression, the important approaches seems to me to be Martin Seligman's (1974) theory of depression as the outcome of *learned helplessnes*s, and Charles Ferster's (1974) and Peter Lewinsohn's (1974) theory that depression is caused by *loss of reinforcement.* With only a slight exaggeration one might say that these writers do not attempt to refute each other's theories. They reciprocally try to show that the other theory is a special case of their own. I take no stand as to which theory will in the end turn out to be the more adequate one. But Ferster-Lewinsohn's theory seems almost to be modelled upon Betsy. She has indeed experienced a long series of losses of important sources of reinforcement.

§144. In *1984* when she was *11* years old (note both the year and her age), the family moved to a different village. In one stroke Betsy was uprooted from the circle of her friends. She came to a school where the friendship relationships were already firmly set, and remained an outsider. On the other hand, her schoolmates claim they really tried to develop close relations with her, but were rebuked.

Likewise in 1984 her mother got cancer, and was under a genuine risk of dying. In 1986 she left the family. Her new house was not far away, but she showed a microscopic interest in her daughter. The father became Betsy's only source of reinforcement. But to manage the new economic situation, he had to hold two full-time jobs. Betsy suffered from her loneliness like only a depressive person can do. She also experienced her father's subsequent girl-friends as losses. I cannot check his claim that he abandoned two of them because Betsy threatened otherwise to move away. For a depressive, this is not inconsistent with the fact that Betsy liked one of them very much.

§145. When asked in the court in October 1989 why she now felt much better, she completely overlooked the cessation of the abuse: "*First and foremost* I have *worked* during this summer and have *got lots of friends"* (italics added). When asked why she wanted to take her life: "It was what had happened *and then I had no friends and such things*." Her father's overtime was placed on an equal foot with the incestuous assaults: "No. The last two months at home were pure death. We just went past each other and said nothing. If he called he just said 'I'll [not?] be home at half past four, I shall work overtime. See you. Bye.`"

§146. A large number of judges have overlooked each and all the informative facts of the case. They just pitied a somewhat childish girl in her middle teens. *The district court literally plagiarized the persuasive inventions by the school nurse, exactly like the Court of Appeal plagiarized Dr. Bosaeus's testimony, cf. Table 228:1.* The court wrote: "She has, when she made her account, shown considerable caution and has evidently taken great pains to supply only such information that she may stand by what she said."

Two of the judges of the Court of Appeal voted for acquittal. Their motivation was that Betsy had manifested a literary ability in her letters. - Fred Norland was convicted with the votes 3 against 2.

§147. I shall quote the section containing all the justificatory reasons (JR) in the judgement by the majority of the Court of Appeal:

(--) "The injured party who is now 16 years old and who was at the time of the events in question 13-15, has been heard a number of times as regards the matter and

JR-1: has thereby in all essentials supplied the same particulars.

JR-2: These particulars bear the stamp of self-experienced events,

JR-3: and she has likewise given the personal impression of being truthful.

[14 words omitted]

JR-4: Dr. Gunnar Bernler has in the Court of Appeal added that he had become so convinced that the particulars supplied by the injured party are true, that he did not consider an investigation of her trustworthiness called for, an investigation of the kind sometimes performed in cases of the variety at hand.

(--) Because of the severe sentence passed by the district court, he [= Dr. Bernler] had had a further interview with the injured party, in order to assure himself that his original assessment is correct.

(jr?) [GB:] Even though it is a rare occurrence, it may sometimes occur that children at the age of the injured party invents an allegation,

JR-5: [GB:] but then they will usually retract this allegation at an early stage.

(jr?) [GB:] The injured party feels anxiety because of what has happened, and she has considered the idea of retracting her account so that her father would escape prison,

JR-6: [GB:] but at the same time she has stated that what she had recounted had really taken place.

JR-7: [GB:] The injured party both loves and hates her father in the way which is observed in other incest cases.

JR-8: The school teacher [name] of the injured party has made no direct statements about her evaluation of the trustworthiness of the injured party, but it is nonetheless clear that she considers the account by the injured party to be correct.

JR-9: The school nurse [name] has declared that she had never doubted

what the injured party had recounted to her.

JR-10: The injured party has stated that Fred Norland was markedly drunk at the assaults, and that after each assault it seemed as if he did not recall what had happened.

JR-11: From the rest of the investigation it is clear that Fred Norland during the period referred to in the case over-used liquor.

JR-12: [The mother's name] has recounted that Fred Norland once when he was drunk, had chased her and had hit the wall with his fists. On the following day he had no recollection of this event."

[Q-147:1]

§148. If my novice students produced such things, I would not award them a pass grade. It is a matter of routine to furnish this variety of evidence or justificatory reasons about *any* innocent person.

The justificatory reasons have nothing whatever to do with jurisprudence. They are through and through based on amateurish psychology.

The explicit listing of the reasons justifying the verdict illustrates the importance of the Swedish legal system for scientific research. (Admittedly, the judges might primarily have been influenced by subjective circumstances which they would never dare explicitly state - e.g. the childish appearance of a depressive teenager.)

The first three justificatory reasons are in the most flagrant way contradicted by the empirical facts. The next six reasons are about the subjective views of three people. In view of Betsy's sensitivity at school, the school teacher might hesitate to doubt her narrative. Since the school nurse pressed the allegation upon the girl, her semi-testimony is deliberately false. Elsewhere we shall scrutinize the objective indicators of Gunnar Bernler's degree of competence and honesty. However, the judges had no basis for evaluating these properties.

Authorities inventing an incest allegation will often add an allegation about over-use of liquor, and press the girl to admit this point too. But Betsy's father held two full-time jobs, and all his neighbours agree that he was a "work-addict" who was during his spare-time continually working out of doors.

In Swedish, the phrase "I have no recollection of that" is, more often than not, used as a polite *or* an aggressive form of stating that this did not happen. Fred Norland had used this phrase in a conversation with the social agency. His statement was distorted in the case-notes: he had allegedly said that if he had raped his daughter, he had repressed it.

The mother had neglected the daughter for three years. Each working day she drove past the house of the ex-husband. The daughter frequently saw her, and was frustrated when she never bothered to stop. Now the mother had finally found a way of making herself "useful to the daughter",

at least in the eyes of the social agency.

§149. As was said above: one of the worst possible points of departure for a suspect of child sexual abuse is to be innocent, to have a good conscience, and to have confidence in the legal system. Fred Norland thought that one attorney was as good as another, since there was no evidence at all. His attorney did not even present to the court those important facts he did know. His *entire* defence consisted of one single point: Betsy's account was improbable because there was *some* risk that the neighbours might have observed those few assaults which were performed in *one* of the postulated rooms.

It is a hard fact that more than 95% of Swedish lawyers behave in an irresponsible way when handling sexual trials. They do not bother whether their client is convicted or acquitted.

§150. There have been two attempts at re-opening the case. Attached to the first new trial motion was a textual analysis of 95 000 words. The facts presented throughout the present report constitute a digest of this investigation. The Supreme Court (Freyschuss, Heuman, Lambe, Törnell, Vängby) made the decision that exactly the pattern of facts of this case [hence a perfect alibi, inter alia] *should* lead to a conviction.

While new and hitherto unknown evidence was invoked in the second new trial motion (a formal necessity), the Supreme Court focused upon the recently rejected investigation. The judge referee [whose task is to prepare the case and produce a proposal for a written decision, but who has no vote], scrutinized all the documents and checked all facts. He suggested (a) that Fred Norland be immediately released; (b) that, in accordance with the formalities, no final decision be made until the national prosecutor had been given the opportunity to answer; and (c) that, when this answer had arrived, the Supreme Court should refer the case back to the Court of Appeal for a new trial.

His proposal was unanimously rejected by the 5 voting judges (Beckman, Gregow, Jermsten, Munck, Sterzel).

Chapter 22
Embla: the Case of the Broken Elbow

> *And the witchcraft judges were no insidious scoundrels, so as enlightened liberalism has frequently depicted them. They were decent people of a good reputation, having a genuine university education and a firm sense of duty, and awaiting a respected career.*
>
> Kurt Tucholsky

§151. We have met Embla twice: in connection with the physicial impossibility of performing the act, and with the extremely extraverted personality. Here, I shall primarily focus upon her specific techniques of lying. She was more fond of social company than most people of her age, but she had no really close friend. On Sunday evening 911215 she visited her schoolmate Jane. The girls watched a video of *Degrassy Highschool* which had been shown on TV a few days earlier. Although the actors are older, the age intended is that of the first kisses. One girl confides to her best friend that her mother's boy-friend abused her when she was 11 years old. Her friend consolates her and caresses her, the girls are weeping together, head against head; the scene is deeply moving. We may speculate that Embla felt it would be wonderful to be so treated by Jane. Anyway, she said, “I shall give you a letter tomorrow.”

On the next day at school she handed over a letter according to which her father had slept with her, licked her breasts, and inserted his fingers in her vagina. There is no indication that she gave a thought to the possibility that anyone might be harmed. And if the matter had been handled in a rational way, she might not even have lost her face. But a few minutes later the entire class knew about it. They went to the class teacher (whose testimony was cited in Q-110:1), who turned to the school welfare officer, who turned to the social agency, who turned to the police. After two hours the father was arrested. And now there was no way out for Embla, unless she was prepared to be compromised in the eyes of the entire school, village and municipality.

§152. The last assault had allegedly taken place on 911213, “the Lucia day”, a nation-wide feast in Sweden. On that day the father attended a course and afterwards followed another participant to his home where they had coffee. The prosecutor (Rolf Värnö) realized that the father had a perfect alibi for all acts which were not impossible because of other reasons. He deliberate waited for several months with interrogating the other participants, and then they were no longer certain of the date. The father's

first defence counsel never contacted the witnesses nor requested the police to do so. He took for granted that the accusation was true, and even told the police so.

It turned out that Embla was a virgin. The courts saw no inconsistency in a virgin having had 40-50 acts of coitus. But Embla had very limited knowledge about sex. When she reconstructed the coitus in the car, with her *female* i-p-lawyer acting the father in accordance with Embla's instructions, the father would have had to have his penis near his left knee in order to reach her sex organ. One of the most skilled clinical psychologists of the country and his wife dressed themselves in bathing suits, and video-recorded their unsuccessful attempts to follow the girl's instructions.

§153. Apart from numerous contradictions, there is in Embla's recount an abundance of three lie techniques not hitherto described: (a) *the hooking onto strategy*: she will hook onto the suggestions proposed by other people; (b) *don't know answers*; (c) *in-between answers*. The last category may need an illustrative definition.

The police officer asked her how her father proceeded during the assault in the car. She told that he unbuttoned her trousers. The police officer instructed her that it is impossible to perform intercourse, if the father had done no more. He must have drawn down the trousers. Now Embla was in a double-edged situation. If she stuck to her first version, she would have contradicted physical facts which she was not familiar with. If she caught onto the police officer's version, she would contradict her own first version. Her way out was to give an in-between answer aimed at levelling out the contradiction both ways: the father did not draw down her trousers *altogether*.

Having said first that the assaults did not hurt, and then being pressed to change this version, she stated that it did not hurt “very much mighty” but only a little.

§154. The following excerpt is from the police interrogation which took place two days after she had handed over the letter to Jane. Embla's father had driven her to a medical clinic for a minor treatment. On their return he drove into a grove, went out and urinated. (All italics in the excerpts are added.)

E-1: Then he came in, then he sat down there. And then he lowered the seat, so that I was lying in a lying position. Then he unbuttoned my trousers and such things. Then he laid down upon me.
P-2: What kind of trousers had you put on?
E-3: A pair of jeans had I.
P-4: Did he unbutton your trousers and lay down upon you.
E-5: Mmm.
P-6: Your trousers were still on, they had only become unbuttoned?
E-7: Mmm.
P-8: But you made love, you said. *How did you manage to,* when your trousers - ?
E-9: I don't know quite what he did. He pulled them down a little I think. I don't know

quite.
P-10: Mmm. But how did he get in his penis then? Into your vagina?
E-11: *He folded away my pants or something like that*.
P-12: Mmm. But the jeans, I mean.
E-13: They - I don't know quite what he did, he pulled them away a little or something like that.
P-14: Was he lying upon you on his stomach, or? Was he lying behind you?
E-15: No, he was lying upon me. On top of me.
P-16: *But you could not have had your jeans on then. They must have been pulled down, mustn't they? Or?*
E-17: No, *not altogether down* they were not pulled down.
P-18: Well. Was it sexual intercourse that occurred on that occasion?
E-19: Yes.
[Q-154:1]

Note, in E-11 it did not even occur to Embla that the police officer might perceive any difficulty about the trousers. She thought he was thinking of her pants.

§155. The Falstaff principle may combine with the hooking onto strategy. Some of Embla's additions and extensions do not seem to derive from external influence. In the beginning she said that all the 40-50 acts had been performed in her own room, and all but one in her bed. The assault on the Lucia day was performed in her wardrobe, where she bent over and the father was standing behind her. Because of the particular structure of the wardrobe, Embla needed help to find a possible position for herself. None of her first three descriptions were believable, not even to the police.

Asked whether there had been any assaults anywhere else, she denied this. The police officer suggested the car as a possible place. Embla caught the idea: *once* in the car. Later: twice in the car. And both of these were unambiguously dated. The second was analysed in §111. Still later: she was not certain whether there had been three assaults in the car.

She recalled the very first act of sexual abuse. When she was lying in bed trying to fall asleep at the age of 11, her father had opened the door and *looked* at her. Her body was covered except her head and possibly her arms. Nonetheless, this was an assault.

§156. In January 1992 Embla told the pseudo-witness-psychologist Barbro Sterner that summer 1990 was a relief because she was not abused. One month later she described in detail one assault from that period. The family had made a visit to her cousin's summer cottage. The father had been lying on the floor. He had, without sitting up, stretched out his arm and hand to the bed where Embla was lying, and touched her private parts (we are not told what parts) under the quilt.

It has been ascertained that the family visited the cousin only once during this summer. His cottage consists of only two very small rooms. Embla's father had fallen asleep because of too much liquor. The cousin had made numerous vain attempts at waking him up. Possibly as a practical joke

the cousin took two pictures (which were eventually presented to the Court of Appeal). The father is seen lying on his right side with his left arm in plaster and his back toward the bed. My argument would not be invalidated if he had during the night turned over upon his back. The reader may try out for himself the experiment of lying in any of these positions and at the same time reaching out with his right hand under the quilt of a person lying in the bed. Is it possible at all? My niece and I have actually performed the experiment.

This is one more illustration of the deficient feeling of reality. It is easy to advance verbal claims. It is much more difficult to imagine what features would have been necessary concommittants, if the postulated phenomena had really occurred.

Embla had claimed that her father's arm had healed up at the time of the visit. He no longer had the arm in plaster. In the Court of Appeal she iterated that she was not proved wrong by the photos *because of the following reason*: She had (a) admitted that the family went to the cousin's cottage only once during this summer; (b) that the photo was taken on this sole occasion; but she (c) *had not indicated any determinate date*.

She obstinately stuck to such lies which even the judges must have seen through. Every attempt at making her admit even the most conspicuous facts, was met with a stonewall of denial.

§157. The father was a truly helpful person, who would drive Embla wherever she wanted. She would regularly call him when she had been to a party or at a discotheque, and he would fetch her. Considering what had happened several times in the car (lastly 911115), and the fact that she would tremble for hours after an assault, wasn't she afraid of going with him? The reader may try to imagine the probable reaction of a teenager who twice or thrice had experienced that her father would drive the car into a grove and give her a thorough caning. The first quotation is from the police interrogation 911217. Both the latter are from the interrogation by the defence counsel in the Court of Appeal.

P-1: Mmm. But you dare go with him in the car nonetheless?
E-2: Mmm.
P-3: You haven't been afraid of those acts of intercourse?
E-4: *A bit sometimes* I have been so.
[Q-157:1]

[A selection of Embla's answers]
“No, I have not thought about that.”
“No I haven't. If you have been to a party, you have other things to think about.”
“If you are at a party you have other things to think about, of course.”
[Q-157:2]

D-1: You haven't been afraid?
E-2: *I don't know. Well perhaps.*

D-3: Mm?
E-4: *I might have been.*
D-5: You are not afraid of Daddy?
E-6: No.
D-7: You are not?
D-8: *I have no reason to be afraid. I don't think I have.*
[Q-157:3]

§158. During the police interrogations Embla claimed to have detailed recollections of two acts of sexual intercourse performed in the car. On one occasion her father undressed her and completely removed her trousers and her pants. On the other occasion he merely unbuttoned her trousers. Now follows an excerpt from the semi-testimony in the Court of Appeal, concerned with these two car assaults.

Def. Couns-1: What was the greatest difference - if there was any difference?
Embla-2: That it happened at two different places.
Def. Couns-3: There is no other difference?
Embla-4: Don't know.
Prosecutor-5: [whispering] Think carefully before you answer.
Def. Couns-6: I heard what the prosecutor said, I perfectly agree.
Embla-7: Mmm.
Def. Couns-8: Isn't there a noticeable - a marked difference between those two occasions?
Embla-9: One of them is at daytime, the other is at nighttime.
Def. Couns-10: Mm. - But isn't it the case that - on this occasion he takes off both your trousers and your pants?
Embla-11: Yes.
[Q-158:1]

§159. Next a dialogue illustrating the hooking onto technique (from the second police interrogation 911220):

P-1 You have not - Have you masturbated Daddy? Touched his penis? Never?
E-2 No.
P-3: Did he ever ask you to do so?
E-4: No, but he tried to get hold of my hand and such things, but then I pulled it away.
P-5: He has got hold of your hand and tried to place it on his penis?
E-6: Mmm.
P-7: And then you pulled it away? Well.
[Q-159:1]

And a final dialogue from the first interrogation 911217, about the assault 911213:

P-1: Was it sexual intercourse?
E-2: Yes, *I think so*.
P-3: Mmm. How did it feel. Didn't you feel anything? Why, you must have felt

whether it was sexual intercourse or not.

E-4: Yes. He had put it there.
P-5: He had put it there? Do you mean that he had put his penis into your vagina?
E-6: Mmm.
P-7: How did it feel to you?
E-8: *I don't know*.
[Q-159:2]

In the Court of Appeal she was asked to explain manifest absurdities about what her father had done. She said, inter alia: “Ask him, I don't know.” (But you were the one who was lying there.) “But I was not the one who did it.”

Actually, the police, the social workers, and her psychotherapist *instructed* Embla about most of what she would eventually say. But there is evidence that she further elaborated the basic ideas.

§160. She claimed to have nightmares almost every night since she was 12 years old. The very same nightmare was repeated. One to three times a week she was sleepless. Now, her diary of five months is permeated with a light and optimistic mood (cf. §§111f.). 911005 the final sentence is “Now I shall go to bed and sleep.” 911006 she had reconciled herself with a “boyfriend” and wrote: “I wept to sleep because of happiness. End.”

§161. The entire body of facts are of the same nature. The district court (Bolander, Därt, Svensson, Albinsson, Nilsson, Fredriksson) deemed this flagrant mythomaniac to be trustworthy.

The judgement of the Court of Appeal is comprehensive, 11 pages. But only 21 lines are concerned with justificatory reasons for the verdict (guilty). The overwhelming part is devoted to attempts at *explaining away* the facts presented by the defence. The judgement looks like a prosecutor's plea. As for the logic of the deductions, it is at the same level at Q-147:1.

Chapter 23
Erna: the Semi-Psychotic Girl

Zero is greater than no number.
Charles Sanders Peirce

§162. What is unique about the case of Erna is that the defence, despite immense resistance, succeeded in digging out the authentic occurrences, as well as the authorities' extensive activities for concealing the facts. The doctors, the psychologists, the social workers and the prosecutor were perfectly aware of the innocence of the defendant. Erna was exploited in an intrigue, which led to serious mental derangement and finally to suicide.

According to Swedish law, it was the obligation of the police and the prosecutor to disclose the concealed facts.

§163. The district court (Björklund, Lundin, Åseskog, Johansson, Avedal, Andersson) declared that Erna was highly trustworthy, and that no motives could be found as to why she would make a false accusation.

The girl was 19 at the time of the proceedings in the Court of Appeal. A few weeks earlier she happened to be locked in a shop at the closing hour. She tried in vain to open each and all doors. Then she tried to attract the attention of people passing in the street. The police were called, and helped her out. The local newspaper published the event: Erna had made a highly trustworthy impression upon the reporter.

A few days later the shop owner proved that the backdoor could be opened from the inside with a bare hand. Erna had made up the entire story.

§164. She has been a patient at both somatic and psychic clinics. Once she claimed to have broken her foot. The X-rays examination revealed no injury. But Erna used crutches for a long time. In the afternoons she would sometimes be permitted to leave the hospital for a few hours. After two weeks a nurse happened to see her in the town, where she was walking in a perfectly normal way.

At the hospitals she was used to make false accusations (*inter alia* about sexual things) in such situations where other people might say “You bloody idiot!” At two hospitals the staff had strict instructions that there must always be a witness when anyone went to her room. One of the doctors who made this instructions was Per-Olof Elfstrand, who, like all the other persons named below, was familiar with the facts stated in the present chapter.

A girl at the same ward suffered from anorexia. Erna started to imitate her, but was not persistent for a very long time. Two girls at the same ward had supposedly been exposed to sexual abuse, whereafter Erna imitated the same kind of experiences.

§165. Dag, the husband of the girl's family day nurse (Dagmar), was one in a long series of targets of accusations. Because of poorly understood reasons Dr. Elfstrand selected him and reported him to the police. Erna was genuinely surprised when one and only one of her momentaneous outburst had a legal aftermath. She did everything possible to call off the whole thing, apart from frankly admitting that she had not told the truth.

She was sent to one of the most aggressive police officers in Sweden, Britt Argårds. The latter has in broadcasting and TV boasted of having during some 8 months sent 10 men to prison for sexual abuse. The video-recorded interrogation is disheartening. The girl is standing with her back towards the camera. For a whole hour she is kicking violently and rhythmically at the furniture (with alternating feet, some 35-55 kicks a minute). When the police officer asks her to stop, she says that this is better than banging her head on the wall. But she finally succumbs to the pressure.

When she was 17, she said to a social worker that the abuse occurred when she was 14 or 15. This is also what she said to Argårds one year later. *It is Argårds who introduced the idea that ADDITIONAL assaults might have occurred when she was 10-12.*

§166. When children or teenagers are forced to fabulate, they will often mix up things. Erna's account is replete with contradictions. During the four video-recorded police interrogations, Erna got one and only one question as to whether assaults had occurred in her mother's apartment (e.g., when Dag followed her home and her mother did night work). She explicitly denied this. In the fifth and unrecorded interrogation she said, according to the report of another interrogator, that “probably” nothing ever happened there. It was this policeman who invented that some of the assaults had occurred there. Nonetheless, the district court found Dag guilty beyond any reasonable doubt also of the latter group of assaults.

In the prosecutor's application for a summons, no word can be found about any assault in the apartment of the mother's boy-friend. The judges made a flaw which would not have been tolerated among novice students of jurisprudence: they convicted Dag of something he was not even prosecuted of.

§167. A series of family day nurses worked in collaboration. They confirmed the rule strictly applied by Dagmar: if one child was out-of-doors, all children must be out-of-doors. Erna being alone in the house (perhaps together with other members of the family), while the other children were out in the sand-pit or elsewhere, was a non-existent pattern.

The other children were much younger. Erna was accepted despite her age because she suffered from diabetes: major attacks required immediate intervention. *No other day nurse in the entire town* dared accept such a sick child, and Erna would have got into real trouble if Dagmar (who also had diabetes) had likewise refused. Dagmar and Dag have strong reason to feel embittered. The social agency may search eagerly for a suitable family for a very difficult child. They may use the family when they need the family.

When the need is past, they may forge evidence to send a family member to prison. Such a strategy may work for a period. But: *sooner or later people will realize the danger of helping sick children. They will no longer dare have anything to do with them. When such a state of things has been brought about, who will take care of the sick children?*

Dag and Dagmar had an allotment cottage. On weekends, Dag often went away and worked in the garden. Erna often wanted to go with him, but was never allowed, because she was a troublesome child. How did she dare have such a wish? And why did he reject such golden opportunities?

§168. While Erna had never been in complete mental health, her severe deterioration started when she was forced to make a legal trial out of a momentaneous invective. At the time of the proceedings in the Court of Appeal she believed in an immaterial world populated by creatures with individual names such as “sheck” and “geck”. Every creature loved Erna, and she had to obey their commands. But they were going to punish her because she had told her psychotherapist about their existence. She would repeatedly and not always knowingly transgress the border between the material and the immaterial world.

§169. In Erna's account we have seen several examples (e.g. in §§165f.) of *the hooking onto technique* (defined in §153). Erna must have been much less aware than Embla of what she did. And she was exposed to much stronger pressure before she succumbed. Her *deficient reality feeling* is aptly illustrated by the following selection and juxtaposition (P = one or another police interrogator; L = the prosecutor).

L-1: Did he at any occasion insert his fingers into your vagina?
E-2: *I don't know. I didn't look at him.*
L-3: Well, but you might have felt it?
E-4: *I don't know.*
P-5: Was there nothing of his pressing you down and keeping hold of your hands? Was there a great tumult?
E-6: Almost every time he definitely had to keep a firm hold of me.
P-7: Could you ever make yourself free by kicking him?
E-8: *I wouldn't dare do that either.*
P-9: You say yourself that you didn't want to. You didn't want to. Isn't that so?
E-10: *He might have understood things as if I wanted to, how should I know.* [Q-169:1]

As regards E-8, three of her school teachers testified that Erna is definitely not the kind of a girl anyone could make do anything she did not want to. E-6 illustrates *the hooking onto technique*. Elsewhere she says that the last intercourse was the worst one, because *on that occasion* she did not want to. The reason was that she had talked things over with the school welfare officer.

It is an established fact that the first meeting with the school welfare officer took place *after* she had left the Dag & Dagmar family. (This school

welfare officer was also involved in the case of Muriel.)

§170. As for *the level of abstraction*, Erna compares numbers and proportions of assaults in different apartments. Flagrantly, she indulges in numerology and is bandying figures which have no connections with reality.

A pattern which may resemble, but is not, *a twin lie*, is her repeated wish that the charge should be withdrawn, because the worst of all things would be if her mother learned about the abuse. This formulation may appear convincing to an outsider. Nonetheless, Erna did not use this formulation to produce false beliefs. She really wanted the charge to be withdrawn.

The Falstaff principle is prominent. In the beginning she told about sexual intercourse. Repeatedly asked whether he did something else, she explicitly denied. “What else could there be to do?” No word about violence. But asked whether Dag masturbated, she *caught* the idea. After gradual steps, the final version was that he at the same time said, “watch at my fountain”. There are several Swedish verbs for “watch”. Hence, the convergence of two different series of gradually more extreme versions, is more remarkable than in English. The first version of the other series is that Dag told Erna that sexual intercourse is not very unpleasant; she might watch TV while he did it.

§171. Because of her diabetes, someone would always have to follow her home, sometimes in the evening, and to stay until her mother came home from her work. Erna never tried to ask Dagmar to follow her instead of Dag *because*, she said, if she is not abused today she will be so tomorrow. I may for the third time apply the spanking analogy. Suppose Dag had been in the habit of giving her a thorough caning when they were alone. Try to imagine a 10-12-year old child saying: it doesn't matter if I escape half the cannings, because I shall nonetheless receive the other half.

The small gifts she had received from the Dag & Dagmar family were presented as bribes. Once Dag had bought a living mouse both to Erna and to his own daughter Dorothea. In the Court of Appeal this incident had been transmuted into blackmailing, and the sick girl described the same event thrice (on her own initiative) in almost the same words. Dag had promised to buy a mouse to *Dorothea* if *Erna* would sleep with him (this doesn't fit very well with his getting hold of her). When she refused, he had pressed her with the words: “*But you certainly don't want that Dorothea shall not have a mouse?”*

After Dagmar ceased to be a day nurse to Erna, but before the allegation came up, both families continued to see each other for 4-5 years, and to exchange presents. Many times Erna visited the family alone. She later explained these visits as attempts at finding out whether Dag had also abused his own daughter. In the Court of Appeal she accused the defence counsel of sleeping with both his daughters.

§172. Legal proceedings in Sweden are almost invariably extremely boring events. No one raises his voice, no harsh words are used, and an

outsider not understanding the language might think all the participants were discussing some trivial project. *The case of Erna is the only exception known to me*. The judges had in advance decided to convict Dag. They did not bother whether he was guilty. But the defence had dug out so much evidence of such an extraordinary power, that they did not dare to. The judges were furious because they had no choice except to acquit an innocent man. During the trial the chairman incessantly heaped the most coarse insults upon the defence counsel.

One year previously the very same chairman had convicted Embla's father. The same defence counsel had said almost the same words in his initial statement without any objection. Now, he was interrupted four times and forbidden to present one topic after another. The chairman said he had to teach the attorney what topics are fitting in an initial statement. He – the judge (!) – made suggestions (!) about appropriate topics for the defence (!) More about this in ch. 33; cf. also §819b.

§173. I have included this information here because of the testimony of Erna's mother.

An unknown man who seemed mentally retarded had allegedly called Erna's mother and said obscenities. He called once more, and then she recognized his voice: it was her former husband, Erna's biological father, with whom she still had a tender relation.

Moreover, when Erna was three years old, the mother came home unexpectedly and saw her boy-friend stark naked and with an erection. In her presence he lowered the child against his penis. Only in the last second did she prevent the assault.

It is an established fact that Erna did *not* have a room of her own when she was 12 years old. Because of her diabetes, she had to sleep in her mother's room so that she could be guarded. Nonetheless, her mother testified: a night when the daughter was 12, she came come from work, and Dag came out from Erna's room. She could see from his mouth that he had just had an orgasm. She did not say a word to him. She was afraid that the daughter might bleed to death. But she did not uncover the quilt, because then Erna's heart would have collapsed and she would have died immediately. This event was burnt into her memory.

The defence counsel asked why she had previously not told this event during any of the police interrogations. Why did she not report the event to the police when it happened? Why did she permit her daughter to stay with this family for at least 8 further months? Her response was to scold and shout at the defence counsel. This was most embarrassing to the judges, and also to the prosecutor and the i-p-lawyer. But the chairman of the court could not interfere without implying that the defence had painted a more true picture of the family than the prosecutor and all his experts.

After the orgasm event (so the mother claimed), she arranged that Erna was never more followed home by any of the Dag & Dagmar family at night. This claim is manifestly refuted, not only by the data sheet of the

municipal administration described in ch. 23, but also by the flagrant facts admitted by all parties. The district court did not notice this inconsistency.

Chapter 24
Malvina: the Fortune Teller Case

You see, the defence is not really permitted by the law. It is merely tolerated.

Franz Kafka

§174. Malvina had a highly-strung mother, and because of the latter she had since her middle teens received supportive therapy by a social worker. *The only firm point in Malvina's life* was her stepfather Volmer. He took care of the preschool children and the entire household, tried to soothe down conflicts in the family, and strongly assisted his stepdaughter with every problem of hers. It is a recurrent pattern that the utmost kind and responsible fathers and stepfathers are accused; their children do not fear any trouble from their side.

At the age of 15 the girl experienced her first sexual intercourse, but was unable to indulge completely in the act. One hour after this experience she came home. Volmer was standing at the kitchen table, cooking a meal for the family. He said hello and she said hello. And then she understood that he had abused her, and that this was the reason for her incomplete orgasm.

She told her mother about her insight, but did not recall any specific act. The mother called the famous fortune teller Saida, whom she had seen on TV. She asked her what Volmer had done. Saida said, “Your husband has done something to her, but it was not sexual intercourse”. The mother was not just gullible but carefully tested Saida's competence. She asked Saida to tell her age, her weight, the colour of her eyes and hair. And Saida was correct about everything. This is what the mother testified in the district court.

Malvina was already undergoing some sort of therapy by a social worker because her mother's strange personality was deemed to constitute a problem. Now the social worker substituted the aim of the treatment: Volmer was the problem. In addition, Malvina started therapy by a psychiatrist, Per Vegfors.

§175. Malvina herself was exceedingly vague as to what had happened. Only one assault is described with a minimum of details. During a violent storm with lightening when she was 12 years old and her mother was away, Volmer had gathered the entire family in the parents' bedroom (four children aged 1, 3, 10 and 12). When the storm was over, the 10-year-old brother went to his room, while Malvina stayed in her mother's bed. During the night she felt Volmer's finger in her sex organ.

The house is situated at a dangerous place, and the risk of lightening is

considerable. The entire family has repeatedly been in the car during a storm. However, there is a meteorological station near the house. It could be unambiguously established that during 5 months (the maximal period compatible with the temporal information supplied by Malvina), there was one single and very mild lightening at this location. Moreover, because of the electrical installation, the parents' bedroom is the most dangerous place in the house. The usual place to gather the family was in the living-room.

§176. As regards other assaults the girl was even more vague. She sometimes fell sleep in front of the TV, and Volmer carried her to her bed and undressed her while trying not to wake her up. Thereby he had lightly touched her breasts. Sometimes she said this happened only once and sometimes it happened repeatedly. Sometimes he had kissed her with his tongue only once and sometimes several times. The most important statement in the entire police investigation is this one:

M-1: It was not until this guy who live in X-town became my boyfriend when I started having sexual intercourse and then, *then I began to have such feelings of repulsion and, hell, I thought this was very strange and such things and then a lot of images emerged and then I thought, hell - I don't know.* [Q-176:1]

Likewise during the trial she iterated that "images" and *not recollections* emerged. She had never understood why she was always very scared of darkness, but now she understood.

She suspected Volmer of having also abused his two preschool girls, because he buys things for them and they like him. She also stated her conviction that Volmer did not recall what he had done to her.

§177. In this case the main figures are the psychiatrist and the judges. The judicial judge (Jörgen Kvist) did vote for acquittal. It was nonetheless his responsibility that all the lay judges (Löfgren, Nyhammer, Brunngård) convicted Volmer. It was judge Kvist who forbade the defence to present its evidence. Both witnesses and an expert witness were refused. The defence counsel was prevented from effective interrogation of the expert witnesses for the prosecutor. Judge Kvist performed the trial according to the principle that, if a person occupying an authoritative position has told an unintentional or deliberate untruth, then it is the obligation of the defence to take the untruth at face value.

Very much hinged upon whether a certain date in the affidavit by the social worker was true. After only two to three further questions, she would have admitted that this date was not a fact. It was her own retrospective reconstruction several months later; and when she gave a second thought to the matter she realized that she was mistaken. – At this point the judge interrupted and forbade more questions on this subject.

Dr. Vegfors had in his affidavit to the court asserted that there is clear-cut evidence that Malvina had been abused. When testifying, he made a

volte-face and said he had simply copied what Malvina herself had said. He had made no examination at all of the truth of the allegation.

But he claimed that he himself repeatedly encounters instances of lifted repression; all psychiatrists do. There is universal agreement on the existence and high frequency of the phenomenon.

§178. The defence counsel asked embarrassing questions. Judge Kvist interfered and said, we had already learned that Malvina's psychiatrist had encountered repeated instances of lifted repression; that all psychiatrists have done so; that there is universal agreement about the existence and frequency of the phenomenon; hence, we had learned everything we need on this topic; and more questions will not be permitted.

Nonetheless, Vegfors had realized that the defence counsel knew much about the topic and could not be bluffed. Hence, he interrupted the judge (which the latter accepted), made a second volte-face, and delivered a long monologue in which he said that there may have been written an entire kilometer of writings on repression. But despite the enormous amount of labour devoted to the subject, no one has been able to establish that repression exists at all.

It was a clear-cut instance of perjury, which was assisted by a judge.

Perhaps the most crucial instance of *evidence refusal* in this case was this. Although the evidence of the prosecutor was through and through based upon the doctrine of repression, and although all the judges were totally ignorant on this subject, judge Kvist forbade a genuine expert to present the standpoint of science on repression.

Volmer was later acquitted by the Court of Appeal, with the votes 3 against 2. Once more, the lay judges (Andersson, Ström) voted for a conviction.

But whatever the legal outcome of the case, the greatest loser was Malvina herself, who was deprived of her only reliable support.

Chapter 25
Further Aspects of the Case of Ingalisa

> *To have* such *a case means to have lost it in advance.*
>
> Franz Kafka

§179. In ch. 7 the case of 16-year-old Ingalisa was used to illustrate the morphological method. Because of space considerations I shall have to limit the further presentation to a few aspects. During summer, Ingalisa allegedly went on holiday to her biological father. But her mother and stepfather found out that she had instead gone to a (female) friend whom they suspected of having a bad influence upon her. They demanded her to come home immediately. Her counter measure was to report her stepfather of sexual abuse since 1980 when she started school. The police report is dated 890725. On the one hand Ingalisa stated that the abuse had stopped 890301. On the other hand, she claimed to be convinced that it would continue if she returned.

During the police interrogation 980829 she did not recall the date of March 1st, and meant it must be a mistake. Later during the same interrogation, she spontaneously recalled a quite different event which took place 890301. Her stepfather had called her schoolmate “Bloody idiot!” The girls had discussed whether to make a police report because of the insult. But the final outcome had instead been a sexual accusation.

In other words, a date belonging to a quite different event, had been mechanically transposed to the incest allegation - a strange procedure by a genuine victim.

§180. Although the stepfather was convicted of having licked the girl's sex organ, it was *not* the girl herself who introduced this variant. *The verb “lick” occurs 14 times during the first police interrogation, and 13 of these are pronounced by the police officer.* Ingalisa started with complaining of wet kisses on her cheek, which she felt as uncomfortable. This theme was eventually developed into a sexual crime.

§181. Preschool children belong in the second volume. For methodological reasons I shall here mention the excellent analysis by Edvardsson (1993) of the case of 3-year-old Siv. In a table on p. 1 of appendix 1, he has listed the number of times certain words were pronounced by the interrogator and the child, respectively.

The words “bottom”, “fore-bottom” [an attempt at a literal rendering of a childish Swedish word signifying the female sex organ], “behind-bottom” are used 44 times by the interrogator, and 2 times by the child. “Willy”, “daddy's willy”, “willy in the mouth”, “kisses on the willy” and similar

expressions are used 78 times by the interrogator and 17 times by the child. “Feel(ing) pain”: 17 times and 1 time, respective. Etc.

§182. *Relations of parity* are abundant in the case of Ingalisa, though they are found also as regards Graziella and Betsy. The sexual assaults were repulsive *in exactly the same way as* various other experiences: she was forbidden to watch a certain TV program; her mother was sneaking for cigarettes in her room; the stepfather had said “Bloody idiot” to her friend; her parents washed her hair until she was 12 years old.

On the one hand she is sure that her stepfather will deny everything, she says. On the other hand she refuses to indicate any times and numbers *because*, as she says, her stepfather might recall events better than she. Is she afraid he might have an alibi?

Although Ingalisa had more than a month to prepare herself, she is incapable of supplying specific details. She does not know whether her stepfather masturbated when he licked her sex organ: in order to find out she would have had to raise her head and look. She cannot tell anything about the position, except that he was standing on his knees in the bed. When verbal description fails, the interrogator suggests that she may draw the positions on paper. And then she asks for pictures as an aid for drawing. She is finally given dolls. After some experimenting with the dolls, she learns that the verbally postulated position is more acrobatic than she had expected. She places one doll lying on her back in the bed, and makes a volte-face: the stepfather was standing with his knees on the floor.

Chapter 26

Rachel, Her Father, Her Mother, and the Judges; with a Brief Note on Ingalisa

Very much can be gained if one intensively commits oneself to the task of obtaining the confession of the suspect.

Monica Dahlström-Lannes

There you may see for yourself, Gentlemen, with what ill-bred pack I have to deal.

Frederik van Eeden

§183. Many present-day techniques for extracting false confessions or manufacturing sham evidence, have illuminating counterparts. Many witches confessed although no torture or threat of torture were applied. Henningsen (1980) describes the technique of starting with the most general and innocent questions, and gradually narrowing the focus (e.g., whether the suspect believes there is such a thing as witchcraft, and whether she has ever heard anyone talking of witchcraft).

Today, this interrogation technique combines with the partition of the population into the ingroup and the outgroup. Numerous judges, police officers, psychiatrists, and social workers are accustomed to kissing and caressing their children, and bathing naked with them. But the very same people will see strong indications of sexual abuse if the defendant admits of the same "fishy" behaviours.

In Swedish there are two verbs for "kissing". What is the difference in meaning? This is a problem for advanced linguistics. I had to look up the analysis in the 30-volume word book of the Swedish language (SAOB).

But the police officer who interrogated Ingalisa's father requested him to define the difference. The interrogation was not audio-recorded. In the written text, already the ninth line states: "*Asked whether N. thinks there is any difference between* [*pussa*] *and* [*kyssa*] [...]". Then follow 13 lines with his explanation. It is no worse than what the police officer would probably have accomplished, unless she had also looked up the words.

§184. The text goes on: "*N. is once more asked to explain the difference between* [*kyssa*] *and* [*pussa*]". He adds more details, which are described in 5 lines.

A third repetition: "*N. is still once more asked to explain the different between* [*puss*] *and* [*kyss*]*."* (Here the substantive forms are used.)

The technique consists of two basic constituents: the request for an answer about a highly abstract problem; and *iteration* of the same trivial

question. The police officer seems to have two aims: to confuse the suspect; and to produce *gossip evidence* to be used in the court. By feigning to prove the stepfather's (feigned) inability to answer the inapposite question, it is insinuated that he is guilty of sexual abuse.

Digression. At Uppsala University there are courses in the subject of gossip. They are primarily concerned with passing on (true?) information which one should rather keep to oneself. I have instead devoted much labour to the study of *gossip logic*: specific rules for distorting authentic circumstances or inventing fictive ones. - It is a little tiresome that my scientific results are sometimes mistaken for rhetorical phrases.

§185. The case of Rachel is also discussed in Scharnberg (1993, II, ch. 30). There is a limited overlap between the former and the present descriptions of the case.

Whenever the defence disproved any version unanimously presented by both Rachel and her mother, both of them unanimously substituted a new and radically different version. The judges of the Court of Appeal could not deny this *parallel order relation*. But they neutralized its impact by means of a rule borrowed from gossip logic. They fabricated, that the mother might well have stimulated Rachel to speak up, but she had not in the least influenced the content of Rachel's account.

§186. The reader may, if he so prefer, re-read also §77. - Reflecting upon the interrogation in Q-32:1, the district court could not deny that the girl had merely given her assent to the prosecutor's version. But the judges found the escape that this was not true of every part of the interrogation, and presented examples in the judgement. The court failed to see that Rachel had supplied particulars solely about *non-sexual* circumstances, such as the joking threat of selling her horse.

§187. The father had allegedly made Rachel consent by means of three threats: killing himself, killing Rachel, and selling her horse. It is an ascertained fact that he would frequently threaten to kill the whole family; and that all members of the family merely felt bored at these outbursts. And it was a standing joke that the parents would sell the horse if the daughter was naughty. - Much later, the intrigues of the ex-wife really lead to a suicidal attempt.

How did the mother learn about the abuse? Rachel supplied two versions. According to one of them the mother was highly surprised when she was told. According to the other, the mother suddenly called the daughter on the telephone, and asked whether she had been abused. - This two-way pattern is recurrent in incest cases.

Rachel and her mother explained that they had made the police report, because they meant the father was ill, and wanted to help him. Whenever the authorities were involved, the daughter talked about what "*we*" did, or thought, or intended.) *They* thought a protracted period in prison would improve his psychic condition. Such altruistic motives are likewise recurrent in incest trials. The judges feigned that they believed them.

§188. Allegedly, the assaults were performed with a frequency of once

a week during the first year and twice a month during the remaining period. The father told his second attorney that his daughter and wife on a certain day presented him with a list of all the dates on which he had abused the daughter. He got angry and flushed it down the pan. The event is not verified, but the possible loss of evidence is most regrettable to a textual analyst.

The father had too little self-confidence. His daughter's and wife's persistence made him doubt his own memory. He even started psychotherapy in order to regain his recollections of the assaults. I cannot help feeling that the therapist was not honest. Over and over again in the case-notes it is stated that recollections have not yet emerged. It did not occur to the therapist to help the father feel confidence in his actual memory. The therapist had decades of clinical experience and knew that lifted repression never occurs during psychotherapy. As a medical doctor, the therapist could have been of genuine help to his patient by writing an affidavit to the court. (Basically, treating therapists should never be used as expert witnesses. But since prosecutors regularly use therapists of the injured party, there is at present no reason why therapists of defendants should carefully preserve their neutrality.)

§189. It is necessary to supply some background information before proceeding further. In general, a Swedish defence counsel is paid by public funds. The hourly fee is officially established. Not until the trial is over will the judges decide whether he should have the renumeration he asked for, or a greater or lesser fraction of it. The lawyer must however choose: *either*, he must be paid *solely* through public funds, *or else* he must be paid *solely* by his client. If he had done work for 600 000 SwCr and the judges decide to pay him only 225 000 SwCr, he cannot compensate himself from the client; if he tried, he would be expelled from *The Association of Attorneys*.

Many judges manipulate the renumeration as if they were prosecutors. If the defence counsel has done a poor job, and has raised no obstacles to a conviction, he may receive what he asked for. If he has dug out such extraordinarily strong evidence, that the judges do not dare convict the defendant, they may revenge themselves by reducing the renumeration, even to as little as one third.

In the case of Clarissa, the father was sent to prison for 4 years for sexual abuse. His defence counsel had asked for payment for 13½ hours for the preparation before and the participation during the proceedings in the Court of Appeal. A satisfactory defence would need some 50-250 hours. Nonetheless, even this minimal renumeration was reduced. The president of the Court of Appeal in Stockholm Birgitta Blom together with the judges Löfmark, Ulriksson, Trägårdh and Pramlid ruled as follows: for a case of this variety, there was no need of devoting more than a total of 10 hours to the defence of the accused. - Such a ruling reveals that the judges themselves conceived of the proceedings as something else than a fair trial.

§190. Back to Rachel. After the proceedings in the district court, the

judges ruled that her father must undergo a psychiatric examination. Swedish law states that, if the result of the latter is finished within three months, the judges may base the conviction *and* the sentence upon their recollections of the proceedings. But if more than three months have passed, the entire proceedings must be resumed from the very beginning. This was what happened here.

How many hours did the first defence counsel charge for his contribution, involving participation in two sets of proceedings, preparations for both, and handling of all intervening problems? A total of *12 hours*.

§191. The psychiatrist appointed by the district court departed from trivialities only on one point: the fact that the father expected a conviction constituted a reason for assuming that he was guilty. By contrast, the psychiatrist appointed by the Court of Appeal produced a wealth of psychoanalytic insolences: the fact that the father denied the act, proved that he was full of reality distorting defence mechanisms.

§192. The judges of the Court of Appeal had decided to prove that their conviction was by no means arbitrary. In the judgement 9 indicators of truth and lies are listed. They were analysed in Scharnberg (1993, I, §§645ff.). Seven of the indicators are altogether amateurish. The remaining 2 are not very trustworthy except in the hands of a textual analyst or witness psychologist. Moreover, there are watertight bulkheads between the "theoretical" section with the list of indicators, and the section presenting the "analysis" of the case. If the judges had actually *applied their own indicators*, the latter would unambiguously have led to the conclusion that Rachel and her mother had lied, and that her father had told the truth.

§193. One will not often catch judges in flagrante delictu. But the present volume contains two instances. I shall trace the roots of one of the deductions by the judges. They had borrowed an idea from mass media. Swedish law entitles judges to base a conviction upon "*general facts of experience*". These judges had fabricated such a fact out of a mass media lie, and had used the latter as a pretext for convicting Rachel's father.

The Swedish "cutting-up trial" will be analysed in *the tenth and eleventh books*. (A brief survey was given in Scharnberg, 1993, I, ch. 30 under the pseudonym "Henriette".) Two doctors were convicted of having performed a protracted sexual desecration of the corpse of a prostitute in the presence of the 17-month-old daughter of one of them, and they had ate the eyes of the dead girl. The act was performed in a medical hall where colleagues might unexpectedly turn up at any moment. There is no evidence that either of the doctors had ever had any contact with the prostitute; nor that her corpse, or the 1½-year-old "eye-witness", had ever been in the neighbourhood of the forensic institute.

One of the arguments by the defence was that the defendants must be unusually stupid, if they had used such a semi-public place for such an unheard-of crime.

§194. Frank Lindblad, a psychoanalyst and child psychiatrist, is one of

the foremost representatives of recovered memory therapy in Sweden. He manufactured evidence for the prosecutor. Inter alia, he invoked the authority of *Lenore Terr* of the Paul Ingram case. It belongs to the fundamental principles of psychoanalytic methodology to fabricate empirical generalizations ad hoc when they are needed (cf. §233). Hence, Lindblad refuted the above argument by means of the idea that *it would have given an extra thrill to the doctors to perform the crime under a high risk of being caught in flagrante delictu.* During the proceedings for the second time in the Fiscal Court of Appeal in 1991, Lindblad was given an enormous publicity in mass media.

As was shown by Scharnberg (1993), Rachel's father must likewise have been very stupid, if he had chosen the places postulated by the prosecutor for such crimes (there were easy alternatives). In 1992 the Court of Appeal explained away this counter evidence by plagiarizing Lindblad: "*However, when it is a matter of crimes of the variety at hand, it may be A FAR FROM UNUSUAL OCCURRENCE that the offender is prepared to run such risks."*

This empirical generalization is not very compatible with the universal claim (which was *also advanced* in the present case) that sexual abuse is a variety of secret criminality which went unnoticed for centuries.

§195. I succeeded in interviewing three of the judges, and can only interpret their willingness to answer my questions as deriving from their guilt feeling of having deliberately convicted an innocent man. What was their empirical generalization based upon - scientific research or personal experience or what? All three interviews are presented in Scharnberg (1993, I, §§625ff.) Two will be repeated here.

Judge Gunnel Wennberg was the chairman. She said that the generalization was based upon "her experience as a judge". I asked her: if I procure the exhaustive set of judgements of all incest cases she had handled in the Court of Appeal of Gothenburg, would I find this pattern in any of these? She answered that *not everything is explicitly stated in the written judgements* (!) AND that *she had also been a judge in other towns* (!) Well, but if I procure not only the judgements but the complete set of documents [audio-recorded police and court interrogations, affidavits, and so on] from her cases during the last two years, would I find this pattern? *She was not sure I would, but she BELIEVED so*. I went on: should I interpret her words so that she did not exclude the possibility that she had not at all encountered the pattern in any case during the last two years? She answered that *IF the question is phrased in this way, THEN she does exclude this possibility.*

Judge Sigvard Helin had the main responsibility of the case and had written the judgement. Like his colleague, he frankly admitted that the generalization was not based on any scientific results. *He was not sure that he had EVER encountered the postulated pattern in any previous case.* He tried to hide behind the collective group and excused himself by the fact that *ALL FIVE* judges had made this "*ASSESSMENT*". He invoked as support

"*THE GENERAL EXPERIENCE WE HAVE GOT FROM VARIOUS QUARTERS"*. Finally he said that *THE COURT HAD NOT CLAIMED THAT THE GENERALIZATION IS TRUE, BUT ONLY THAT IT MIGHT BE TRUE.*

Fourth Book

The Psychiatrists' Assessments And Their Theoretical Framework

Chapter 27

The Historical Background of the Incest Ideology and the Cause of Its Heydays

> *The case of Carol is very notable because the oral sexual trauma inflicted upon the child by an adult occurred when the little girl was only 18 months. Carol, who is now 24 years old, became pregnant by the first boy with whom she was involved. There was no doubt that this* [*the pregnancy*] *had something to do with the early trauma.*
>
> Anny Katan (a psychoanalyst)

§196. Why did the incest craze start in the 1980s (with an embryonic beginning in the 1970s)? Why not 10 or 30 years earlier or later?

Numerous writers have tried to deceive the academic community. But the wholesale success of Freud and his followers is a unique phenomenon. For a century, psychoanalysts had the absolute monopoly of assessing every aspect of their theory. They alone wrote the history of psychoanalysis, evaluated the originality and validity of the clinical observations, the theory, the nature and efficacy of the therapy etc. They were extremely auspicious in disseminating their own disinformation, stopping scientific research, and preventing alternative approaches from being known. Serious study of therapeutic effects was postponed until about 1960, and serious historical research until about 1980. Today, the true facts are no longer disputed by historians who have scrutinized the field (e.g. Mahony, 1984, Macmillan, 1991, Esterson, 1993, Israëls, 1993, Schatzman & Israëls, 1993, Scharnberg, 1993). Instead, there is a gap between the position of historians and clinicians.

No psychodynamic clinician has ever made any observation supporting any psychodynamic theory or interpretation. But many clinicians imagine that someone else has already validated the procedures. This unknown validation entitles them to apply the theory in their consultation room.

§197. The factual, logical, and historical pattern is simple:

(I) Freud never made any non-trivial clinical observations. His published writings are almost totally devoid of such data. Throughout the 7000 pages of *Gesammelte Werke* about half a dozen non-trivial observations are postulated. And each and all of these are faked.

(II) Freud borrowed *the principle of similarity* from traditional superstition. All his interpretations are constructed by means of the latter. Only on account of a miraculous coincidence could any of

them be true.

(III) Freud was never able to cure any patient.

(IV) Freud never constructed a coherent theory. He advanced a conglomeration of fragmentary pieces at the whims of the moment. Most of them were borrowed from traditional superstition or from vulgar lay thinking. They were poorly fitted together or mechanically juxtaposed. And he did not notice the glaring contradictions.

(V) Although he can hardly have been aware of the full extent of his dishonesty, he was fully aware of being a fraud.

(VI) When one has nothing at all to show up, it is a wise policy to lay it on very thick. Freud incessantly propagated that he had gathered an enormous amount of the most surprising and unprecedented observations, which provided foolproof support of his theory. He claimed to be able to cure every patient and to provide them with a guarantee for life against relapse. He claimed absolute originality for his empirical and theoretical "discoveries".

(VII) He was a virtuoso in applying persuasive techniques, e.g. in manipulating the attention of the reader: millions of readers during a century have read his writings without detecting what is in the most flagrant way stated in them. He was also extremely skilled in producing the "irresistible" feeling that he was absolutely honest and trustworthy.

(VIII) Psychoanalytic treatment consists of three primary constituents: an interpretative code borrowed from traditional superstitions, a tool for producing false interpretations; an armoury of persuasive techniques for pressing the interpretations upon the patient; and a set of techniques for deliberately making the patient upset.

(IX) The treatment is based on the axiom that the unconscious has no causal power, if it exsists at all. The sole permanent effect aimed at, is to substitute the patient's *conscious* beliefs with other *conscious* beliefs.

(X) Freud had through and through the personality of a primitive and narrow gossip monger. Many of his interpretations and theories aim at distorting reality so that he himself may feel better.

(XI) *No later psychoanalyst has to the least extent improved psychoanalysis in any of these aspects.*

§198. The phenomenon called "repression" was from the beginning a fraud, and has remained so. Freud himself had constructed an infantile event which was *similar* to the symptom, and put the patient under strong pressure to accept that this event had occurred. The implanted belief accomplished no positive change.

But Freud wrote in public that the patient completely on his own had *recalled* the event; that Freud had invented a method for digging out hitherto repressed events; that the event had emerged as a complete surprise to

Freud; that Freud had invented a method which would unerringly reveal whether the event was authentic or fabulated; that Freud had conclusively established that the infantile event was causally responsible for the symptom; and that the symptom disappeared when the repression was lifted.

In ch. 57 I shall list many of the methodological flaws of the concept of repression. I shall also describe how easy it would be to verify the phenomenon if it really existed. It is poor methodology that the psychoanalysts have not published their evidence. But a much stronger argument is that they *could not* have any motive for concealing their evidence, if they had any. To this date I have in the literature encountered a total of one instance of a non-faked event which is at least remotely akin to repression (in Wolpe, 1958:94). By and large, repression is a non-existent entity.

In cases of sexual abuse, the girls' narratives are almost invariably of a poor quality. As time goes by, the quality may be somewhat improved because of external assistance. The improvement is often explained by reference to *lifted repression.*

§199. As long as psychoanalysts had no rivals, it did not bother them that they could not help their patients. They have always fought efficacious techniques, and are responsible for numerous suicides and ruined lives.

Behaviour therapy existed at least since 1924, and possibly since 1904. Nonetheless, psychoanalysts succeeded in keeping it away from psychiatric clinics until 1960. When it was no longer possible to conceal its existence, they started a world-wide campaign, which in hate and mendacity is not second to the present incest craze. Thousands of their former patients were proselytes and held key positions. Hence, they were in a unique situation for starting such a campaign.

Nonetheless, if an impotent young male is given the choice between a treatment promising [albeit falsely] to restore his capacity in four years, and another treatment achieving the result in four weeks, it is not easy to induce him to select the former variety. Psychoanalysts (and psychodynamic psychotherapists) saw their practice reduced at a rapid rate and to a catastrophic degree. In 1964, 803 persons sought psychoanalytic treatment at the Columbia University Psychoanalytic Clinic. In 1971 the number had dropped to 162 (Rachman & Wilson, 1980:52).

Eventually, they realized that they were fighting a losing battle. They started to look for new markets. But most attempts were unsuccessful. A genuine economic solution was not found until they cast their eyes upon the incest clinics. They dug out Freud's scientific fraud from 1896. They fabricated that his early patients had really been sexually abused, and asserted that the evidence in the three seduction papers is truly convincing. Imitating the case of Galileo, they fabricated that Freud's true results had produced a violent outcry by his collegues; the latter were horrified by such facts. Because of cowardice and against his better knowledge, Freud eventually retracted the theory.

They presented their own theoretical leader as a pioneer who was a century ahead of his own age. He was already in 1896 aware of a field hitherto completely overlooked. He had invented methods for distinguishing true and false allegation, and techniques for curing the injuries resulting from abuse. By means of such fabrications, the psychodynamic therapists produced a kind of recommendation letter for themselves, a reason for employing them at the incest clinics.

§200. Because of economic motives, they have to pretend that sexual abuse is enormously more frequent than it really is. They need a continuous series of people to be sent to prison. And since the guilty ones are too few, innocent people must be added to fill the quota.

Psychodynamic therapists are here pursuing exactly the same unethical attitude they showed previously in relation to neurotic patients.

Books such as Miller (1983) and Masson (1984) pretend to be harsh criticism of Freud. But their camouflaged aim is to enable psychoanalytic theory to survive by exchanging a few details.

I do not underrate the responsibility of the radical feminists. Without the latter, the sexual abuse craze would hardly have been a world-wide concern of million of individuals. But it seems to me that the feminists were not the original initiators; they took over a body of ideas already in existence. The oldest psychodynamic source known to me is Shengold (1963), while the oldest feminist source is the congress in New York in 1971. - More penetrating research might reveal strange interaction between psychoanalysis and feminism.

§201. The actual content of the seduction papers will definitely not support the incest ideology. Freud's clinical experience seemed to indicate that sexual abuse after the age of 8 could never cause any harm. His victims were 2-4 years old, and in many cases the only perpetrator was another child who was just a little older. In other words, the incest ideologists managed at the same time (a) to invoke the authority of Freud, (b) to stimulate innumerable people to read his third seduction paper, (c) to thoroughly misrepresent the content of exactly this paper, and (d) to achieve that no one noticed what they did.

During the 1980s innumerable academic and popular debates took place all over the world: were Miller and Masson correct that Freud's early theory is more true than his later view? Miller claimed that her own clinical observations were in agreement with those of the third seduction paper. No one discovered that this would mean that Miller had verified that fathers might regularly sleep with their 9 to 16 year old daughters without harming them.

§202. The incest ideologists frankly admit that they apply Freud's seduction theory of 1896. But this would have been apparent anyway, cf. Q-96:1 and Q-340:1.

The interpretations presented in Melanie Klein (1932), one of the pioneering works of child psychoanalysis, are likewise based on the arbitrary

application of the principle of similarity. The only difference is that Klein does not deduce sexual abuse, but concern with parental coitus. Three-year-old Trude (pp. 32f.) said the flowers in the vase should be taken away [no information is supplied as to whether they had withered]. Klein notices that flowers have *a long stem*, while a vase has *a hole*. Hence, Trude wanted to say that it would be better if daddy had no penis because, if he had one, the latter would bring about disorder in mummy.

Chapter 28

Freud's Interpretation of Maryse Choisy's Cat Dream, and Felix Gattel's Interpretation of Miss Ella E.'s Coffin Dream

A cat in distress,
Nothing more, nor less;
Good folks, I must faithfully tell ye,
As I am a sinner,
It waits for some dinner
To stuff out its own little belly.

Percy Bysshe Shelley

§203. I shall first give an outline of the framework to be applied in ch. 30. Maryse Choisy eventually became a well-known psychoanalyst. In 1922 when she was 19 she went to Vienna and started treatment by Freud. She broke off after the third session, after having been confronted with Freud's interpretation of one of her dreams. In Choisy (1963) but not in Choisy (1955) the dream is quoted. She states (p. 5): "I do not run the slightest risk of disclosing personal secrets, for I do not know any living psychoanalyst who would be able to interpret that dream as Freud did". This is no little surprise, since Freud's interpretation should be obvious to anyone familiar with his thinking.

[*Dream*]
"It all happened in the big somewhat old-fashioned kitchen of our family castle near St. Jean de Luz. I was a pretty Siamese cat with a very long pedigree. Despite my ancestry, I had to wait for my food until all the alley cats without any pedigree had finished their plates on the flag-stone, because I was the youngest kitten. I felt humiliated and hungry. Then I began to scratch everybody. I woke up with a start and remained anxious for a while.

Associations. It was the castle where I was born and raised. I was not allowed in the kitchen. Good little girls weren't, in those days. I sometimes slipped unnoticed into the kitchen because it was forbidden fruit. This was a plot between the cook and me. I once stole some pudding and got indigestion.

I always had Siamese cats. I love them. I have one now.

Freud pondered for a few minutes over my dream, then uttered without warning: 'Such and such an event happened in your family when you were still in the craddle.`

The reader will forgive me if I don't give Freud's exact words. This is an analysis of Freud, not of me. Many a good family has a skeleton in the closet. Closets are quite useful for that purpose. Still it was a shock. I did not believe Freud. I even became indignant.

'What you say is quite impossible. I would have known it. Such things are

simply not done in *my* family. It's against their principles.`

Though I could not see him behind me, I knew he was smiling. He just gave me the following advice: 'Well, you'd better ask them.`

I jumped on the first plane back to Paris. I ran to my aunt's house. I spoke to her the moment I got there. Believe it or not, Freud's extravagant story of an event which I had never suspected (at least consciously), turned out to be true.

There was something uncanny about this dream interpretation. I did not return to Vienna. Freud now symbolized for me the magical father, the medicine-man. He saw through me. I felt as transparent as glass. I was scared. I was so scared that I would go to great lengths to avoid analysts." (Choisy, 1963:f.) [Q-203:1]

§204. The most interesting aspect is how Choisy could come to entertain the illusion that Freud's interpretation was confirmed. The latter is easily inferred. In many languages "the cat" and similar words are used as slang for the female sex organ. In defence of talking of sexual matter Freud (GW-V:208/SE-VII:48) writes "I call a cat a cat". And though the paper is in German, this sentence is in French.

How easily Freud arrived at his interpretations is illustrated by his spontaneous deduction that a female was referring to her own sex organ, when she said of a little box with sweets: "I always have this box about me; I take it with me wherever I go." (GW-V:240/SE-VII:77).

It is a widespread belief that Freud *discovered* the sexual symbols. Actually, he borrowed them from conventional slang. "Tasche" (pocket) and "Schachtel" (box) were vulgar expressions for the female sex organ (Kleinpaul, 1885:167).

Maryse did not merely *have* a "cat" and *loved* it. She so completely identified her with the latter that she even *was* a cat, of a very fine race and with other very noble attributes. It is easy to read the sentence "I have *one* now" with an intonation which makes the sexual meaning apparent.

§205. "Food" for the "cat" is sexual orgasm. This is provided in "the kitchen". But Maryse was not "allowed" to have anything to do with such things. To "good girls" it was "forbidden fruit". But she sometimes "slipped unnoticed" into the area and "stole" what may fittingly be termed "pudding".

The two Swedish translators are proponents of psychoanalysis. I think they captured what Choisy (1977) had in mind when they perceived the word "indigestion" as including "stomach-aches" and took for granted that the cook was female.

The cook helped Maryse with the theft of the "pudding". This is the key phrase. There was even a "plot": the cook and Maryse did forbidden things together. The cook is a symbol of Maryse's aunt.

"Food" was likewise provided for the other cats: the older siblings who are depreciated as "alley cats". Apparently, the cook started with the oldest one when distributing the "food", whence Maryse had to "wait until the other had got their ration". Naturally, she felt "hungry" and also "humiliated". There may or may not be a surplus meaning in the statement that she began to "scratch".

§206. Her “anxiety” after the dream is a direct counterpart to the “stomach-ache” she felt after the “pudding”. Elsewhere Freud (GW-V:240/SE-VII:77) writes: “*It is well known that gastric pains occur especially often in those who masturbate”* (italics added). The first psychoanalyst trained by Freud, Felix Gattel (1898) found an improbably high correlation between masturbation and stomach-ache. Probably he asked masturbating patients more than others about stomach-ache, or vice versa, or both (Scharnberg, 1993, II, §790). Gattel explicitly considers masturbation by a partner equally harmful as lonely masturbation. The same view is implicit in Freud's (GW- I:313ff./SE-III:85ff.) first paper on the anxiety neurosis.

The core of the interpretation was that Maryse's aunt masturbated upon all the siblings, one after the other. There is no sufficient evidence that her purpose was to make them fall asleep (my own guess is that children would rather become more wide-awake from such an intervention). However, there is no doubt that the idea of masturbation as a sleeping pill also for infants (a confusion with the adult’s pleasant fatigue after a successful orgasm), was firmly rooted in Freud's thinking. His closest friend Wilhelm Fliess (1897:199) explicitly asserted this theory. So did Freud explicitly in 1905 (GW-V:80f./SE-VII:179f.), while he in 1896 (GW-V:443f./SE-VII:207) accused wet nurses and child nurses of masturbating upon infants, though without mentioning their purpose. The complete theory can be followed through Kossak (1913), Winnicott (1975:159) which was probably written in the 1960s, Greenacre (1971:172), Katan (1973:220). Katan's paper (albeit not the sleeping pill theory) was invoked by Mrazek & Mrazek (1981:242f.), a paper which was in turn applied by Elisabeth Bosaeus to prove that Violet was an incest victim.

§207. This impressive list should be compared with the following excerpt:

> “The thing that continually surprises patients in psychoanalysis, and even sometimes surprises the analyst, is that when a buried memory or experience which has been subjected to radical repression into unconsciousness erupts into consciousness, the patient will maintain that he has the strange experience of having known it all the time.” (May, 1961:295) [Q-207:1]

Note the strong persuasive effect of this *twin lie*: if even the analyst is surprised, then he *must* of course have observed lifted repression and patient reactions to the phenomenon. And the patient reaction constitutes further evidence of lifted repression. In actual fact, Rolly May has almost word by word plagiarized a section from Freud's writings. There is a perfect *isomorphy* between this plagiaration and the long list of observations on the sleeping pill effect of masturbation upon infants.

§208. What about Choisy's confirmation? Freud’s words were “Informez-Vous”, which means “Find out” rather than “You’d better ask

them". There is no information about the aunt having ever admitted masturbating.

Even if she had, this would prove nothing. Bonaparte (1945) convinced a female patient who was about 40 years old, that she had observed her uncle performing coitus and fellatio in full daylight in her presence before she was two years old. (Scientific psychology knows that the brain is not sufficiently developed for retaining any memories from that age.) The patient hammered upon her now 82-year-old uncle for months, until he confessed. This is according to Bonaparte a scientific way of verifying interpretations. And this is the utmost best example which the father of ego-psychology, Heinz Hartmann (1959) could find of verification. We do not know whether the aunt confessed at all or, if so, whether she confessed before or after Choisy had become convinced by other means.

Franz Alexander (1976:107) explicitly writes that *the psychoanalyst remembers in place of the patient*. Psychoanalytic literature is replete with the formula that the patient "recalled", when he had merely come to believe in an interpretation. Before it became essential to convince jurors and judges, psychoanalysts bothered little whether the patient had merely acquired an abstract belief, or had developed a genuine feeling of having authentic recollections. And scarce attempts were made of transforming beliefs into sham recollections. No such attempt can be found in the audio-recorded dialogues of the case of Deltason (cf. *Ninth Book*), nor in Freud's *Gesammelte Werke*, nor in any psychoanalytic paper known to me and published prior to 1975.

It is a matter of routine to list thousands of instances from the psychoanalytic literature, in which a strong emotional reaction to an interpretation is taken to prove that the interpretation is true. It would be unsurprising if an old French noble lady (possibly a spinster) in 1922 had been horrified at the young girl's question.

§209. A considerable part of Gattel (1898), inter alia the complete case-notes of the psychoanalytic treatment of miss Ella E., is translated into English and included in Scharnberg (1993, II). For practical reason, I shall in the present chapter discuss both her symptoms and a dream of hers. Miss Ella E. is 28 years old and possibly a gouverness.

> "She complained of periodic and severe headache, starting from the top and radiating toward the back of the head; and also of pressure over the eyes which, she thought, derived from unfittingly placed glasses (she was very near-sighted and had worn glasses since a number of years). Her utmost greatest ailment was a pain in the back of her neck, 'which feels exactly like someone clinching my neck from behind`. Frequently, one more pain in the left cheek is added, which feels exactly like the pressure of a hand. Moreover, she sometimes feels pain in the left forearm, a pain which she cannot describe in more detail." (Gattel, 1898:52f./Scharnberg, 1993, II, §802) [Q-209:1]

Gattel claims that his "suspicion" (flagrantly based upon the principle of similarity) was "confirmed": during her childhood "someone in order to abuse her had laid her on her side, and had pressed down her head with his hand on the left side of her head". Gattel is clearly thinking of her three year older brother, and the confirmation seems to consist in the fact that Miss Ella E. "was always very happy when I could not come to mother's bed [because she had menstruation] and slept with my brother".

As a passing remark: even if the principle of similarity had been valid, couldn't it be instead that someone else had pressed down her head in the described way? And couldn't the purpose have been to spank her?

§210. Now to her dream:

> "At first I saw how I taught a young boy, the son of a lawyer in X; then I saw a little girl in a coffin. This child was one with whom I had very seldom been playing. Since my childhood I had no longer given a thought to her. In my dream, she had exactly her real look, with a red birthmark on her left cheek." (Gattel, 1898:53/-Scharnberg, 1993, II, §802) [Q- 210:1]

Gattel supplies his interpretation, but does not state how the latter was derived. But the gap is easy to fill in. The birthmark on the *left* cheek corresponds to Miss Ella E.'s own pain in her *left* cheek. Hence, the little girl symbolizes herself. The coffin is a bed, but the fact that the bed is rendered by such a morbid symbol reveals that something horrible took place in the bed – viz. sexual abuse. It should be noted that both Freud and Gattel think that a sexual assault which is thoroughly *enjoyed* by the child, is more or less as harmful as a horrifying assault.

§211. Freud had abandoned the seduction theory, secretly already 1897, in public partially in 1905 and fully in 1914. But around 1930 Sandor Ferenczi and Elizabeth Severn resumed the theory. I shall quote a few dreams by their patients.

Our dream life is very much more suggestible than our waking life. It is no unusual experience that a patient after half a dozen sessions will have a dream which seems to confirm the therapist's conception of his hidden dynamics, although they patient will not until half a year later consciously accept this conception. This is one out of many reasons why dreams have no evidential value.

> "The woman had a recurrent nightmare which consisted of her going back to their country house, seeing the little schoolhouse, the road, and suddenly her grandfather's car. But inside, it 'is full of mutilated children, there are dozens of little girls with their bodies and legs all cut, they are bleeding, they are smashed to pieces. I cannot bear it.`" (Severn, described in Masson, 1984:166) [Q-211:1]

> "She dreams she attended her own funeral as a child, was conveyed to her grave, and found she was the only mourner." (Severn, described in Masson, 1984:166) [Q-211:2]

> "A young girl [a child] lies at the bottom of a small boat, nearly dead and white. Above her a gigantic man, crushing her with his face. Behind them in the boat stands a second man, whom she knows. The girl is ashamed that this man witnesses what takes place. The boat is surrounded by enormously high, steep mountain cliffs, so that no one can look in from anywhere." (Ferenczi, quoted in Masson, 1984:164, Masson's transl.) [Q-211:3]

Rightly or wrongly, I feel that Q-211:3 is typical of dreams deriving from the therapist's influence. It should be compared with the dream of Bonaparte's (1945) patient at a time, when psychoanalysts were prone to explain all kinds of ailments as the result of the person having as an infant woken up and observed his or her parents involved in sexual intercourse.

After having been acquainted with Gattel's deduction procedures, the reader will have little difficulty in understanding how anyone could extract repressed assaults from the last three dreams. A preschool child abused by an adult man might indeed see “a gigantic man, crushing her with his face”. “Bleeding” needs the principle of similarity to yield “defloration”.

§212. One of Ferenczi's patients asked “why she cannot remember having been raped, but dreams of it incessantly” (Masson, 1984:147). Ferenczi's answer was that this was because of repression. On the very next page Masson talks of “Ferenczi's tenacious insistence on the truth of *what his patients told him*” (italics added), viz. about recalling the acts of rapes etc. Tens of thousands of academics and laymen have read both pages without noticing how Masson (just like Freud) misquotes himself.

Chapter 29

"Identification With the Aggressor": the History of the Concept and Its Application by Betsy's Psychotherapist

So mischen sie so viel Latein darein,
Dass unsereiner kaum ein Wort verstehen konnte.
Man spricht von Geistern so viel, and lügt so viel davon,
Dass Laien unsrer Art nicht wissen, was sie glauben.
Ich wollt', ein Geist erwiese mir die Ehre
Und sagte mir, was an der Sache wäre.
Christoph Martin Wieland

§213. Betsy grew up in a family distinguished by unusual closeness. Still when they were over forty, her father and his siblings would literally see each other almost every day. There was also an unusually beautiful relation between Betsy and her father, a mutual love which for some years survived both the trial and his being in prison.

Betsy's psychotherapist ignored the long standing, *continuity*, and manifestly sound nature of Betsy's love. She re-interpreted the emotion as a pathological defensive reaction. By pseudo-loving the father, she had managed to perceive him as less threatening. In the district court she testified: "She had no other choice. In order to survive she had to show love to that person who had more power."

This is a book-learned stereo-type, viz. the psychoanalytic defence mechanism *identification with the aggressor*. The latter was invented for explaining away hard facts which might be an obstacle to a conviction of the father. The interpretation is as follows. The daughter fears the horrible father who causes her more pain than she can stand. Therefore, she develops the illusion that she is not the daughter. Instead, *she* is *the father*, who does things to *someone else*.

§214. The genesis and history of the concept may throw much light on its validity. In 1896 Freud claimed that all hysterical symptoms, including *hysterical grimaces*, are caused by sexual seduction at preschool age. The causal event of any symptom must be *similar* to the symptom, and it must be *sexual*. In his letter to Fliess of 17.12.1896 Freud (1985:218) writes that the hysteric is imitating the grimaces which the seducer showed during the assault. This claim seems to be the very first instance of "identification with the aggressor". - Anyone who has seen hysterical grimaces will realize that few if any seducer could have made *such* grimaces.

Logically, this theory should have been abandoned when Freud later claimed that the seduction events were fabulated. However, *it is a*

fundamental feature of psychoanalytic methodology that, if a theory or an interpretation has once been proved by a certain set of circumstances, then it will remain proved, even if the proving circumstances are later declared to be non-existent and are not substituted with any other evidence (cf. Scharnberg, 1993, I, §137).

This principle is by no means innovative. Like most of Freud's methodological and interpretative ideas, it was borrowed from vulgar lay thinking. It is frequently applied by people with a primitive and narrow-minded personality ("I am right anyway because..." and then another false ad hoc construction). - As we shall see in *the sixteenth and seventeenth books*, but also in §321: the principle has become a cornerstone of the logic of judges. The principle can be empirically extracted from the written judgements.

Several aspects about such facts are frightening. Gossip mongers are not highly skillful in assessing the guilt of other people. And the close relation between the defective logic of clinicians and judges will make them particularly prone to understand each other.

§215. Sigmund Freud's daughter Anna was a trained, practicing and training psychoanalyst. She belonged to the innermost circles of *the International Psychoanalytic Association*. There is no room for the hypothesis that she was ignorant of the true originator of the defence mechanism. Nonetheless, she did not refer to him in her classical book from 1936 (Anna Freud, 1980), in which the concept is given a prominent place in ch. 9. Neither does she present any clinical observations of her own. Instead, she invokes *unpublished* observations by August Aichhorn.

There exist a series of theories or other innovations which Freud considered risky; they might backfire. He did not publish them himself, but gave some of his followers the honour of playing the role of the originator (note *the isomorphic relation*).

Aichhorn's many writings reveal his astonishing capacity for making correct guesses. Over and over again the following sequence is repeated:

Two parents have come to see Aichhorn, an expert on education. Until recently their son had always been a nice boy. Six weeks ago he suddenly got exceedingly naughty. Aichhorn asks whether anything unusual happened to the family six weeks ago. Both parents unanimously assure that literally nothing happened. The conversation goes on. After, say, 10 minutes the parents recount that exactly six weeks ago the child (e.g.) found them engaged in sexual intercourse. When the causal event has been dug out, the son's problematic behaviour will invariably disappear.

Anna Freud describes two examples from Aichhorn. One is concerned with a school boy who, when scolded by the teacher, produces grimaces which make the whole class laugh. Allegedly, the boy is imitating the grimaces of the teacher. By feigning that *he* is the teacher and not *the student*, he may alleviate his anxiety. – If the grimaces were identical, why did the teacher's own grimaces not make the class laugh? And why did Aichhorn not publish such a remarkable pattern?

§216. Betsy's psychotherapist was very little acquainted with her

situation, personality, short-term and long-term problems. She mechanically imputed book-learned standard phrases upon her. Her testimony that Betsy had been abused, was no more than a private prejudice.

I have a high regard of book-learned knowledge. But the knowledge must be true. And it must be presented in such a way that the reader knows how and when to apply it. No writing within the fields of psychodynamic therapy and incest ideology satisfies any of these conditions. Take a concrete and most fitting analogy. If the reader is totally ignorant of botany, and his task is to find out whether a certain specific flower has or does not have two (or seven) sexes, he is not helped by abstract generalizations of the form "*There are* many flowers with two (or seven) sexes".

Chapter 30
The Psychiatrist's Assessments of Violet

Rufus made the judge highly astonished because of his numerous improbable assertions. Eventually the judge deemed a warning called for:
- *You are aware that you are under oath?*
- *Indeed, your honour.*
- *Then you are also aware of the consequences if you do not tell the truth?*
- *Indeed, your honour, I expect to win the case.*

Hudibras (a Danish magazine)

§217. In the Court of Appeal Elisabeth Bosaeus (child psychiatrist, adult psychiatrist, chief physician, assistant professor) supplied six proofs of Violet's trustworthiness:

Proof A. Violet had RECOUNTED that she had never previously dared to tell anyone about the abuse.

Proof B. Violet had RECOUNTED that she could not lock any door behind herself. Even when she was taking a bath, the locked door could be opened from the outside with a special key. And Georg had repeatedly intruded.

Proof C. Violet had RECOUNTED that she had experienced gifts, such as a bicycle she got when she was 12, as bribes to make her accept the abuse.

Proof D. Violet had RECOUNTED that she felt threatened, hunted, and frightened.

Proof E. Violet had RECOUNTED that she had nightmares.

Proof F. [Here, Dr. Bosaeus's words must be literally quoted.] ”She had told a few details, for instance that she had recognized a porno video casette and her mother had wondered a little how she could know that it was a pornographic video before she had seen it. But the reason was that she had recognized the brand of this casette. Apparently, she did not need to answer her mother, so the latter did not take any - did not become suspicious on that occasion. But it is this kind of petty - one might say somewhat practical instances which make the account seem authentic.”

§218. It would be a tough job to find a non-academic layman who could produce such sham arguments. Neither the psychiatrist nor the judges realized that *Bosaeus had invented a formula which any future fabulator might apply. By adding a few trivial details to the account, the untruth*

would in one stroke be transmuted into truth.

Moreover, *the logical structure of each of the six proofs is such that they are indistinguishable from twin lies*. Note what was said in §§78-81 and 128ff.: twin lies have an enormous persuasive power, and numerous people will spontaneously attribute "the stamp of truth" to them.

Bosaeus does not know that one of the two sources of lies consists of modified authentic events. It is a serious error to conclude that an account as a whole must be true, if some of its constituents are true. Why couldn't the porno event be true even if the sexual allegation be false?

As for remaining proofs: Violet had no choice but to give *some* explanation as to why she had so far kept the abuse a secret. She had hardly any other option than that she did not dare tell, or that she felt ashamed. - In many apartments (inter alia the three last ones in which I have lived) a locked bathroom door could be opened from the outside with an ordinary tong (probably to prevent accidents). The reader may judge for himself whether the first police interrogation (cf. Q-120:1 and Q-120:2) could have derived from a girl who continually felt threatened, hunted and frightened. My own daughter has got *two* bicycles. Any father giving his daughter presents has produced legal evidence for possible future use. Recall also from §121 how the bicycle and the presents were introduced into the case by the police interrogator.

§219. *Nowhere in the incest literature have I encountered the suggestion that any of the above arguments would prove sexual abuse,* except the nightmares which will be discussed below.

After having had Violet as a psychotherapeutic patient for a whole year, Bosaeus was totally ignorant of the fact that Violet was absolutely forbidden to participate in each and all varieties of pre-marital sex. She was not even permitted to be alone with a boy behind a closed but not locked door, even if her mother was in the next room.

§220. Bosaeus also tried to explain away Violet's failing memory as the result of *repression*. And the gradual evolution of the narrative is taken to prove *lifted repression*. The psychiatrist's proof of repression consists of the agreement with the pattern expected on the basis of *the Falstaff principle*, and repression is a non-existing phenomenon, which emerged from faked clinical observations.

But even if the theory had been true, it could not be applied to Violet. *How could she have imparted the abuse to her future husband, the female guest, and her mother, if she had repressed them?*

There is universal agreement among psychoanalysts on the following point (Sjöbäck, 1977:136-138, Fenichel, 1945:161, Maisch, 1972:232, also 229, Freud, GW-I:61f., 234f., 256, 268f., 379, 537, 553/SE-III:47, SE-II:167, 258f., 269, SE-III:162, 308, 321f., Jones, 1953:I:314, Ford & Urban, 1963:144). The aim of repression is to protect the individual from pain. What must be repressed are foremost the *painful* aspects of the situation. But Violet claimed to recall oral sex, 1-cm-coitus in the swan position etc. - while her memory was almost blank as regards marginal and non-traumatic aspects such as when and where.

If psychoanalytic theory is true, it is a miracle that repression was lifted

after Bosaeus had for a brief period prescribed sedatives and performed relaxation therapy.

What about *the temporal relations*? Georg had performed some 100 assaults over a period of three to five years. At what time did Violet repress? Everything in one stroke? Or each assault at the time?

The morphological method does not merely require an exhaustive list of all alternatives, but also *the extensive specification of each of them*. If Violet could stand recalling the acts for three or more years until she repressed, why should the acts ever necessitate repression? If she habitually repressed each act, shouldn't her subsequent behaviour have been influenced in some way? Would she have talked so innocuously to her mother about a porno video?

§221. How could she and her i-p-lawyer together have *calculated* the frequency of the (*repressed!*) assaults during various calendar years and school terms?

Henry may be asked questions about his relation to his former girl-friend Nina. How many months did it last? When did it start? When did it stop? One of the more frequent patterns would be the answer: We met just before midsummer, and she left me just before Whitsuntide. Then Henry may pause and start counting on his fingers, interrupt himself and say: I must look in the almanac for the date of Whitsuntide.

If Henry had *previously* performed the calculation, he might recall the number of months but have forgotten the times of the start and the end. However, to human beings the start and the end are the *directly observed* facts while the duration is a *deduced* fact.

Since Violet was not in the possession of the directly observed facts, she cannot have *deduced* the frequencies. Nor can she have learned about the frequencies in any other way.

I searched the literature for other memory syndromes and mechanisms, in particular Eugen Bleuler (1955a), Manfred Bleuler (1954), Janet (1894), Jaspers (1959), Landis & Mettler (1964), and Loftus (1980). None of these books could justly be rejected on the ground that they were published long ago. None of these describes any phenomenon which is akin to Violet's alleged reactions.

§222. During all the police interrogations Violet strangely forgot her recurrent nightmares. It did not occur to the psychiatrist that Violet could have made up the four dreams she recounted; nor that her backing up the abuse by nightmares is indistinguishable from a twin lie.

> *The bathroom dream.* Violet enters the bathroom and very carefully locks the door. When she is naked, Georg is suddenly standing next to her and is laughing. [Q-222:1]

> *The car dream.* Violet is sitting in the car while Georg is standing outside. She carefully locks all the doors. But suddenly he is inside the car next to her. She runs out and locks him in. But suddenly he is outside next to her. She again gets into the car and locks him out etc. The same sequence is repeated. [Q-222:2]

> *The snake dream.* We are only told that she dreams of snakes and of feeling terrified by them. Violet semi-testified that the explanation had been given to her

> [probably she meant: by Bosaeus] that she has such dreams because the snake is a symbol of the male sex organ. [Q-222:3]
>
> *The black entity dream*. [Violet's own words in the district court:] ”Something I often dreamed and of which I was very scared as to what it was, then my chief physician explained what it was, this is, I might lie sleeping and all at once something black came and just flung itself upon me, it sort of became something dark and frightening which sort of just grasped hold of me so that I flew up in the bed in excessive anxiety, so that I woke up. Then she told it; it derives from incessantly feeling threatened so that when one has finally fallen asleep, then it is not something definite but it is just that something threatening enters your dreams. And I dreamed almost every night that it was something of the kind.” [Q-222:4]

The reader may try to imagine that Violet was haunted by this variety of dreams at the time of the first police interrogation. She confessed to her mother 8-10 weeks earlier. Could she have had 50 or even 15 nightmares during this period? Did she have 60 nightmares or at least 20 between the proceedings in the district court and the Court of Appeal?

Since she told in the court that she had one of them “almost every night”, it is a pity she was not asked, *when* did you have it for the last time? *How many times* did you have it this week and last week?

The idea that a snake can mechanically be taken to be a penis symbol, is no longer prominent among psychoanalysts; it is too primitive and too well-known to ordinary laymen. Even Freud (GW-I:142f., 321, 351/SE-II:87, SE-III:96, 80) himself suggested various alternatives. And objectively spoken, the snake is no universal symbol. In Ludwig Tieck’s (s.a., 1900?) play about Sancta Genoveva, the snake is a symbol of a female. Jung (1952:12, 756f., 760) takes the snake as a symbol of (a) sin, (b) a mixture of anxiety and voluptuousness, (c) anxiety, (d) the unconscious *female* mind of a male, (e) a female patient herself, (f) the younger sister; etc.

Dreams exist which contain no element which is discrepant with the physical and psychological laws of waking life. Nonetheless, the first three of Violet's dreams give a strong impression of having been manufactured. Female nakedness is much stronger than male nakedness associated with sex, and females are usually naked when bathing. Scarce imagination is needed for inventing a dream about intrusion in the bathroom. The car dream is just a slight modification of the bathroom dream. - But even if the dreams were authentic, no competent psychiatrist would infer sexual abuse from them.

§223. Bosaeus claimed that, even if she had not known about the allegation, she would have been able to derive that Violet was an incest victim from her dreams. This is an indisputable *twin lie*. For an entire century this phrase has been a standard persuasive stratagem among psychodynamic therapists (note also *the isomorphic relation*). Quite a few instances may be found in Freud's *Gesammelte Werke*. He made an initial anamnesis when he met 17-year-old Dora in 1900 (GW-V:163ff./SE-

VII:7ff.). He knew in advance that bedwetting is a very important fact: this symptom is usually caused by masturbation, and masturbation is closely related to many psychic ailments. Nonetheless, he forgot to inquire about bedwetting. Hence, he did not destroy the possibility of proving to the reader his skill in inferring the bedwetting from a dream.

His deductive procedure is worth describing. Dora had dreamt of a fire. Freud's not Dora's association was the saying “children playing with fire will wet the bed”. Hence, the dream revealed that Dora had been a bedwetter.

[I have scrutinized the entire case-study of Dora, and may publish a monography on the latter. I, for one, think it was a fabrication that she was a bedwetter. The reader need not share my scepticism. But note: there is little risk about attributing bedwetting to almost any patient.]

§224. Lenore Terr repeated Freud's stratagem in the Paul Ingram case: she told the jury that even if she had not known about the existence and nature of the crime, she would have been able to infer both (cf. Crews, 1994a, b). In *the Tenth Book* I shall provide a set of illustrative examples of *what* conclusions Terr derived from *what* observations.

In Sweden the primary proponents of Lenore Terr are the psychiatrist Frank Lindblad and the psychologist Sven-Åke Christiansson. The former was the primary expert supporting the prosecutor in “the cutting-up trial”, which will be described in the second volume. (A very brief account is given by Scharnberg, 1993, I, ch. 30 under the pseudonym “Henriette”.) Lindblad likewise assured the court that, even if he had not known about the existence and nature of the crime, he would have been able to infer both.

§225. Another psychiatrist, Gunnar Bernler, examined Betsy. He testified in the court that he had no idea that Betsy was an incest victim when she came to him for the first time. *The Court of Appeal explicitly wrote in the judgement that strong evidential power was attributed to the fact* [!] *that Betsy had confessed to him, despite his ignorance* [!] *as to why she came*.

This is one more example of how easily judges are deceived by twin lies. The social agency had contacted Bernler in advance, both orally and in writing. These facts were dug out after the trial. Recall from §115 that: when the fabulator is caught in telling a lie, he may escape by means of a new lie. Bernler invented the construction that he had not read the papers sent to him from the social agency until one hour after the meeting. Hence, he had told the truth about his ignorance.

But he forgot one detail. The social worker who had written the letter was present during Betsy's entire first meeting with him.

§226. I shall have to postpone Bosaeus's proofs based upon Violet's pattern of symptoms. However, she invoked 30 years of clinical experience to give authority to her assessment.

All the judges overlooked the illogical nature of this argument. Bosaeus testified that she had hardly or not at all seen a case of sexual abuse until during the last five years prior to the trial. But it is a sheer impossibility that

she had not encountered numerous teenager girls with the pattern which Violet claimed to have. *If this pattern proves sexual abuse, then Bosaeus had systematically misinterpreted the pattern during 25 years of clinical activity.* Is this achievement suitable for inspiring confidence?

Note the importance of scrutinizing the temporal relations.

Bosaeus also tried to evade the issue by vague talk of Violet's "symptoms of tension", "psychosomatic symptoms" which prove that she had experienced "difficult events". This is the gossip strategy of insinuation, when one is aware of the absence of non-trivial evidence.

After the mother had "learned" about the abuse, she had told Bosaeus that Violet had been a difficult child; but now every piece of the puzzle had fallen into its proper place (a recurrent phrase in incest cases).

When parents complain about their children, the parents sometimes constitute the real problem. When they complain retrospectively, one cannot be sure there was a problem at all. However, Bosaeus spontaneously took Rosa's words at face value, and rebuked in the court with a rhetorical counter question: "Should I have had any reason to doubt it when a mother recounted about her child that she, she has been difficult and a little temperamental and so on?" A responsible psychiatrist would have "doubted" it *without* any concrete reason, and tried to find out what was *really* true. Rosa's idea of Violet's "insolence" (§131) may tell more about Rosa than about Violet; and this is one more piece of the puzzle which Bosaeus had not found it worthwhile to gather.

Today, we know that many mothers go to the clinic with perfectly healthy children and fabulate about symptoms, in order to gain attention (Rand, 1989, 1990, 1993). Two generations ago we could find formulations such as: "There are no problem children, there are only problem families" (Neill, 1949); we should not talk of "families with problem children" but about "problem families with children" (Bossard, 1948). This position may be a false generalization, but it would be a wise policy for a therapist never to take parents' or children's words at face value.

§227. Bosaeus strongly asserted that Violet had told the truth when she claimed to have been sexually abused by Georg. Equally strongly, she asserted that she had taken no stand as to whether Georg was guilty of having sexually abused Violet. Judges feel grateful against an expert witness who pays lip service to the judges' absolute monopoly of deciding the guilt. Asked whether it is possible that Violet could have lied about the assault, she answered that it is not her task to set up one view against another view.

Since she was Violet's therapist, she was asked whether she would ever be prepared to testify that a patient of hers had lied. She answered that she will have to make a decision on that question if that situation should ever arise.

§228. The judges' view of Bosaeus's testimony is instructive. The Court of Appeal was reported to the Parliamentary Ombudsman because of its handling of the case, and had to produce a defence writ. The judges were

given a black mark. Hence, we may compare three documents: the psychiatrist's testimony, the judgement by the court, and the defence writ. Item 1 and 2 are quoted from the judgement, item 3 and 4 from the defence writ.

In Table 228:1 I have aimed at a translation which is closer to the Swedish original text, even if the English is less elegant. The main point is how *enchanted* the judges were by the psychiatrist: they copied her view as if they were stenographers. Inter alia, her postulations on *repression* were accepted without any critical reflexions.

There are odd formulations in all three documents. The objective facts were that Violet could not give *any* answer which was *to the least extent* reasonable, to *any* question which she had not *prepared in advance*. The judges distorted these facts: she could not on *each* point
give answers which were *completely satisfactory*.

==========

Table 228:1

	Bosaeus's Testimony	*The judgement and defence writ by the Court of Appeal*
1.	She has told a few details, for instance that she had recognized a pornographic video cassette and her mother had wondered a little how she could know that it was a pornographic video before she had seen it. But the reason was that she had recognized the brand of this cassette. Apparently, she did not need to answer her mother, so the latter did not take any - did not become suspicious on that occasion. But it is this kind of petty - one might say somewhat practical **details** which **make the account seem self-experienced**.	On the contrary, the Court of Appeal deems Violet's account to be so **coherent** and **rich in detail** that it stands out as **self-experienced**.
2.	[...] in order not to become altogether psychotic one may sometimes do such things. Now, Violet has not become so, but things may reach down to an *exceeding* depth. And what one does in order to cope with the situation - and what Violet has done, I think - is to screen off, to	[...] **Violet's account has become more and more rich in detail**, a pattern which is in good agreement with what Elisabeth Bosaeus stated. [...]Seen in the light of the protracted period during which the assaults supposedly occurred, and considering what Elisabeth Bosaeus had advanced about **repression as**

try to be somewhere else, not to think of it. And, well, this brings with it that it is **exceedingly difficult to recall what happened. Because one tries to forget** it as soon as possible, one lays the lid on it.

a natural defence mechanism, the Court of Appeal sees nothing remarkable in the fact that Violet cannot give completely satisfactory answers on each point.

3. We just look at the symptoms and reactions at hand, and then one draws a conclusion whether this is something which is in agreement with the fact that one may say that this has really been experienced by the person him- or herself and, why, this is something like - some, some conclusion but those describe, descriptions of the symptoms and that, well, one must draw that to be, if it is to be of any help. Well, one may compare it then for instance with a **surgeon who describes the injuries of a child who has been exposed to maltreatment and battery** - and that's the end of it. **Well, this is not very helpful**, because anyone can see that. But the surgeon then draws a conclusion from these injuries, **whether they could have been produced in the way that has been claimed** And this is analogous to my drawing this conclusion on the basis of my clinical experience, that **these symptoms are in agreement with, with this being something which Violet really experienced herself**.

The affidavits [by Bosaeus] in the case have not by the Court of Appeal been accorded any other significance than what is done with **other affidavits about injuries produced - physical** or psychic or other possible effects of various assaults. Such affidavits usually assert only **a stronger or weaker connection** between the observable injuries and **the explanation supplied by the patient himself as to their origin.** Hence, when Elisabeth Bosaeus has stated that those reactions etc. which Violet has shown are **in good agreement with what she herself has told about their origin**, **the Court of Appeal has not thereby so conceived the matter that** [*immediately continued in the following item*]

4. **I do not take any position as to the question of guilt**, but I can only, in view of the fact that the father occurs in, all the time is in what the girl recounts, that it is, in the nightmares, in the feeling of being threatened and so on, then it would be exceedingly odd if someone else had given rise to these symptoms.

[...] **Elisabeth Bosaeus has made any statement as regards the question of guilt**. At any rate, the Court of Appeal has not so treated the statements. Instead, the question of guilt has primarily been decided on the basis of Violet's own account.

==========

§229. Compare the following three situations:

(a) A girl has a large wound in her stomach, which any layman can observe; and a surgeon states that the wound could have been made by a certain knife; the surgeon's argument is rational and based upon specific features of the wound; the argument is also based upon empirical generalizations previously and firmly established, and agreed upon by all surgeons.

(b) A girl claims to have nightmares, a symptom which neither any layman nor the investigating psychiatrist can observe; the psychiatrist states without any investigation and without any rational reason that the girl really has nightmares, and that the latter are most probably caused by sexual abuse. This statement is not based upon any specific features of the real or imaginary symptom; neither are any empirical generalizations involved, which have been established by anyone, or are agreed upon by the psychiatric profession.

(c) A girl claims that her sister-in-law has a large wound in her stomach; there is no indication that anyone else has seen the wound; to the doctor with whom she is talking, the girl cannot describe such elementary details which any layman would manage to, if she had seen the wound; the doctor knows nothing about the existence or the nature of the wound; the doctor states that the wound really exists, and that its nature proved that it has most probably been produced by such or such an object.

The last two situations are closely akin. But both Bosaeus and the judges treated the discrepancy between (a) and (b) as non-existent.

Chapter 31
The Psychiatrist's Assessment of Betsy

Behalten will ich seine Worte,
Nur wird die Feder sacht und fein
verschieben sie von ihrem Orte,
Aus Nein wird Ja, aus Ja wird Nein.
Die Sätze will ich schlau verwickeln,
Hier schneiden ab zu falschem Schluss,
Dort weiterspinnen mit Partikeln.
Nikolaus Lenau

§230. When Gunnar Bernler wrote his two affidavits (dated 890103 and 890117) he had seen Betsy a total of *two* times (881101 and 881205). His second affidavit contains the remarkable statement that it is partially based upon “oral information from the social welfare secretary”. He concealed that this social worker was present during the first session, and had in advance informed him about the case. The district court accorded strong evidential power to the “fact” that Betsy had recounted the sexual abuse already at the first meeting, despite the “fact” of Bernler's complete ignorance of the girl's problem.

Like Elisabeth Bosaeus, he presented in the court a series of proof that Betsy had told the truth. *Proof one.* He had applied such a technique of questioning that he was able to *verify* Betsy's statements. - I have never heard of the existence of such a technique. And Bernler must have verified that the very first assault occurred both in 1984 and 1986; and that Betsy went to school on Saturday or Sunday. *Proof two.* He had asked Betsy whether she had made a false accusation because she was jealous of her father's new girl-friend. Betsy had answered “No”. *Proof three.* Betsy's account did not have the characteristics of an often repeated account. - Of course not: six days earlier the three females had not yet succeeded in forcing the allegation upon her. *Proof four.* He had become so convinced that she had told the truth, that he did not even deem a greater investigation of her trustworthiness called for. *Proof five.* Betsy did not have the kind of personality structure which might explain why she should lie. *Proof six.* Betsy's account was provided in small steps and under resistance.

It was the psychiatrist's obligation to disclose that Betsy had been trapped. He should have found a way out for her, and have given her the courage to resist the pressure. Instead, he demonstrated that he himself was a constituent part of the trap; and that there was no escape unless the girl was prepared to fight the entire power of society.

§231. In both courts Bernler testified that he had performed a

sufficiently comprehensive psychiatric investigation, which had confirmed Betsy's trustworthiness.

Two years after the conviction Bernler had to defend himself to the Parliamentary Ombudsman. Then he made a volte-face and completely retracted his testimony. (a) He had made no investigation at all. (b) He had from the beginning considered the facts too meagre for a professional assessment of the trustworthiness. (c) He had *in private* informed *the prosecutor* of both the above circumstances. (d) He had in the courts solely stated his own subjective view as a layman. (e) *He took for granted that the judges had understood his testimony in this sense.*

We may wonder how many psychiatrists, psychologists and gynecologists, who have testified under oath that science proves the guilt of the defendant; but who would likewise retract their testimony, if requested to give a rational justification of their assertions.

Chapter 32
The Pseudo-Witness-Psychologists and the Case of Embla

I have sometimes wondered at the fact that psychoanalysts who claim to be so familiar with the unconscious part of mind, reveal such a poor acquaintance with the conscious part of the latter.
Edvard Westermarck

§232. "Alternative hypotheses" may be used as a persuasive technique (cf. ch. 7). The psychologist knows that his target hypothesis (the defendant is guilty), is false. He formulates a set of alternative hypotheses. He refutes or pseudo-refutes all but the target hypothesis. And he finally claims to have supported the latter.

In the case of Embla, Barbro Sterner carefully avoided all the natural alternatives, and selected four conspicuously far-fetched alternative hypotheses. An example: "Embla has been stimulated to advance a false accusation against her father *because* there is a hidden conflict between the parents." By implication: *if such a hidden conflict could be found, the latter would constitute a reason for the suggestion that Embla had not told the truth.* - But Sterner dogmatically asserted that their was no hidden conflict.

In the Court of Appeal she made a double volte-face. She had now verified that there was indeed a hidden conflict between the parents. But this pattern suggested that the father was *guilty*: there exist an empirical generalization, according to which sexual abuse is particularly frequent in families with a hidden conflict between the parents. (During the trial I explicitly drew the judges' attention to this volte-face.)

§233. I worked with the case for 592 hours, but have found no objective indications of the presence or absence of a hidden conflict. Besides, no positive or negative relation is known between sexual abuse and a hidden conflict. Sterner had fabricated an empirical generalization ad hoc when needed, in accordance with psychoanalytic methodology.

As shown by Scharnberg (1993) and Esterson (1993), it is a typical feature of Sigmund Freud's methodology that *empirical generalizations are fabricated ad hoc when needed*. They will be advanced together with the claim that "it has been proved over and over again in psychoanalytic practice that..." However, *such firmly established empirical generalizations will likewise disappear ad hoc when they are no longer needed*. For instance, until 1900 Freud had made plenty of clinical experiences to the effect that children usually masturbate around the age of 8. Later, he invented the concept of "the latency": between 6 and 11, there is no outward

manifestation of the sexual instinct. All his previous incompatible observations disappeared in silence.

Scharnberg (1993) has more explicitly than Esterson (1993) disclosed and emphasized the roots of psychoanalytic theory in ordinary gossip logic and gossip prejudices. In the present volumes some attempts are made to show that *judges' logic have the same roots.* This fact is particularly conspicuous in the comment by the Supreme Court to the Judgement by the Court of Appeal in the case of Graziella, cf. §321.

§234. Sterner testified that she had made her investigation in accordance with *the dead-line procedure* she had been taught to apply at the courses in [pseudo-]witness-psychology [led by Egil Ruuth, whose investigations we shall meet in chs. 35 and 36, in particular]. She carefully formulated the entire set of hypothesis on the basis of the police and social investigations, *before* she had met any of the persons involved. *Whatever hypothesis did not occur to her at this stage, will never enter her investigation.* Afterwards she conducts the interviews, and falsifies all *the above* hypotheses but one.

To a genuine researcher, there are cases where the true hypothesis is almost immediately apparent; and others where it will not turn up even as a theoretic possibility until after hundreds of hours. Important methodological insight may be obtained from the facts, that I had worked with the case of Violet for more than 300 hours until I discovered the parallel order relation between both her semi-testimonies; and that in two of the cases included in the present volumes I was for more than 200 hours leaning toward the preliminary view that the defendant was guilty.

§235. Judges as well as laymen immensely over-estimate the importance of having seen and interviewed the persons themselves. But after hundreds of hours of interviews, most clinical psychologists and psychiatrists are ignorant of the most elementary facts about the individual's thoughts, feelings, situations, present and past experiences etc. They also indulge in primitive lay reactions (e.g., “it would break my heart to say that this weeping girl had not told the truth”).

Sterner did not at all apply her own dead-line procedure in the case of Embla. The volte-face hypothesis was no exception. She added an impressive number of further hypotheses; only, they were treated as implicit further axioms.

Recall from §214 the fundamental psychoanalytic rule: *Whatever has been proved, will remain proved, even if the circumstances previously claimed to prove it, are later accepted never to have existed, and are not substituted with any new supportive evidence.*

An example concerning Sterner was presented in §80. Sterner proved the truth of the allegation from the fact that Embla's menstruation had been highly irregular. When the defence proved from Embla's diary that her menstruation was perfectly regular, Sterner said that this did not matter, because the point was that Embla had been afraid of becoming pregnant.

Furthermore, recall the fundamental principle from the psychology of lying (cf. §70): the virtuoso liar has not invented highly effective techniques of deception. He has passively adapted to the general weaknesses of ordinary people. - The entire pseudo-witness-psychological school in Sweden has devoted no little labour to the task of adapting its reasoning and formulations to the weaknesses of judges.

§236. As for Sterner's methodology (which she calls “holistic assessment”): she took the father's guilt as an a priori axiom, and picked up a few trivial circumstances here and there on the ground that they could be used or abused to *decorate* her axiom. She ignored all information having evidential power. Her testing consisted of the dogmatic statement that she had found no sign of this or that hypothesis being true.

One of her pseudo-logical devices will be described. Sterner knows that hypothesis A is true, and intends to falsify it. She constructs a combined hypothesis, “A&B”, whereafter she tests “B”, and finds that “B” does not correspond to empirical reality. She correctly claims that she has refuted “A&B”, and feigns to have refuted “A”.

§237. Embla's father will be called Roger. After decades of clinical experience, Sterner claimed *never* to have encountered a child or a teenager who had made an abuse allegation without telling the truth. When interrogated by the prosecutor in the district court, she applied many persuasive techniques borrowed from Freud, including the analogy of the jigsaw puzzle (GW-I:441f./SE- III:205).

Pr-1: Do you think it was difficult to arrive at the conclusion that hypothesis number one is the correct one.

St-2: Yes I think it was very difficult [inaudible] I had to do it in this way. I met Embla one day and I met Roger another day. And *I dare say I felt rather confused*. I had to lay the case aside for a while, because I was confronted with this reality that one of them must be lying. *Only one of them could have lied* and only one of them could have told the truth. But afterwards *all the pieces of the puzzle fell into their proper place*, more and more, I think. (italics added) [Q-237:1]

Such transparent devices may strongly impress judges.

§238. Sterner took Embla's bedwetting, shoplifting and stomach-ache as evidence of sexual abuse. Other chapters will be devoted to the analysis of “incest symptoms”. But note ch. 36 on the extremely extraverted personality.

A team of doctors at the child psychiatric clinic manufactured a series of constructions to explain away Embla's poor performance in the Court of Appeal. They merit no comments.

§239. Sterner testified that Embla had told the truth. She was asked whether it was not strange that Embla had never told that her father had one arm in plaster those times he had slept with his daughter. Sterner answered that there was no need for Embla to inform her about that, since her father

had informed her (!)

Chapter 33
The Case of Erna, Evidence Refusal, and Attention Themes

> *The swine! The swine! The swine shall be our chairman. We don't want any other judge than the swine. Long live the swine of swines! He is worthy of taking the chair of this excellent assembly.*
>
> Paul Claudel

§240. All over Sweden there are *incest groups* ("samrådsgrupper") with representatives of the social agency, the child psychiatric clinic, the police, the prosecutor. They work in secrecy. At their meetings no written notes are produced as to who were present, what cases were discussed, what information was presented, and what decisions were made. Different meetings will attract different participants. The prosecutor of the case of Erna "cannot recall whether" he participated in any meeting where her case was discussed (the usual phrase among prosecutors). The cases discussed are anonymous, but every participant knows their identity. No one can tell under what authority the incest groups belong (the police, the social agency, the psychiatric clinic?), and to whom one must complain if they made a mistake.

A case may idle for a whole year until a decision is made. At that time no one may recall who said what. The mother may believe that the psychologist was the one who delivered certain information for the first time. The psychologist may believe it was the social worker. The social worker may believe it was the police officer. And the police officer may believe it was the child.

During months the incest group may, in close collaboration with the mother, be manufacturing sham evidence, e.g. by having the child trained by a team of psychotherapists. When the "evidence" is ready, the father, who may have known nothing of the suspicion, may suddenly be arrested.

§241. When Erna was discussed by the incest group, Dr. Elfstrand was the indisputable prompter, though the psychotherapist Per Bryngelsson (who untruthfully denied his presence) was second only to him. In turn, the members of the group were police interrogated by each other. They were careful to conceal facts which might be of value to the defence. Elfstrand presented himself as a total outsider who knew nothing about sexual abuse, and had solely treated the girl for diabetes. In the Court of Appeal he excused this disinformation by claiming that he saw no reason to inform the police of such things which the police already knew about in advance.

When Dag was arrested, Dagmar got a serious chock, and her diabetes

deteriorated irreversibly. Bryngelsson had four roles. He had the main responsibility for Erna's psychotherapy. He planned for psychotherapy with her mother. He eagerly tried to have Dag send to prison and to conceal the facts of the case. Furthermore, the police sent Dagmar to him for psychotherapy. *For a whole year Dagmar unknowingly received therapy by her own hangman.*

§242. Before discussing the experts in more detail, it is essential to describe a series of judicial peculiarities. It was shown in §172 that the judges of the Court of Appeal had decided in advance to send the defendant to prison, and that they did not care about the question of guilt. However, the defence had dug out evidence of such exceptional strength, that the judges did not dare go on with their plan. But they did not even try to conceal that they were furious because the defendant had escaped a conviction. The chairman of the court incessantly fired insults at the defence counsel. He accused him of giving false accounts of what Erna had said, although it was the judge himself who had false recollections.

Evidence refusal, that is, refusing the defence the right to present its own kind of evidence, seems to be commonplace in the U.S.A. Each judge has an extensive freedom of "feeling in his heart" what would and what would not be permissive evidence. Arbitrary decisions may differ from court to court. Loftus (1991) describes cases where she was not permitted to testify - sometimes in combination with the permission of some truly irrelevant expert witness for the prosecutor. Such cases would have been impossible in Sweden prior to 1992. Apart from some trivial caveats, a Swedish judge has the right to reject only *superfluous* evidence. Erna actually constitutes the earliest Swedish case of evidence refusal which is known to me. And I seem to be the first expert who was not permitted to testify.

In particular since the American documentary on *Little-Rascal* was shown in Sweden in January 1994, many judges perceived a genuine risk of acquittals. Hence, all over the country the policy spread of forbidding the defence to present evidence which might tell against the prosecutor's position. Typical cases are Elvira, Malvina, and Wendela & Corinna.

§243. In §§22f. the alibi proof was outlined. It is founded upon the raw data from the municipal administration, the social security system, the defendant's job, and Erna's schedule at school. The hours indicated by the municipal administration are based upon Erna's mother's working hours. If the mother worked from 14:00 to 21:00, the administration would pay the day nurse from 13:30 to 21:30. The validity of the alibi proof is not in the least reduced, if Erna's actual stay was *briefer*, e.g. because she attended a birthday party of a schoolmate. It could only be diminished if Erna came to the family on hours not paid by the municipality.

A recurrent pattern for a specific calendar date is this. It is proved that Erna did not leave the school before 14:00, although it is not provable how much later she actually stayed on that particular date. It is proved that it took

her a minimum of 40 minutes to go from the school to the nursery family. It is proved that Dag did not leave his job until 16:00, although it is not provable whether he might have stayed a little longer chatting with his pals on that particular date. It is proved that his bicycling home took at least 30 minutes. From these data the conclusion is drawn that Dag could not on this particular calendar date have committed an assault upon Erna in his bedroom betwen 13:00 and 15:00.

§244. Nonetheless, the chairman accepted the alibi proof as a *petition* but *not* as *evidence*. During each of the first three days of the proceedings he repeated (a) that the analysis consists of information which *the defendant* had *orally* presented to Max Scharnberg: (b) that MS was in no position to disclose whether the defendant had told the truth; (c) that the temporal conclusion stated above is merely a subjective inference; (d) as a non-jurist MS was not qualified of determining whether it is valid.

Nor did the chairman permit any questions to Erna or the mother's boyfriend as to how the hours they had indicated in the district court could possibly be true. The boy-friend had claimed that Dag and Erna had had ample opportunity to be alone in his apartment in the evening, because he was very often away at different meetings. But the defence had unearthed that he was away on extremely few days, on exactly *what* days, and whether Erna was actually at Dagmar's family on these dates.

§245. The initial statement in a Swedish trial is usually extensive. In the present case, the prosecutor delivered an extensive monologue about completely irrelevant information on Erna's life-story almost since her birth (a strategy for concealing how meagre the evidence was). No attempt was made to interrupt him. By contrast, the initial statement by the defence counsel was interrupted four times, and he was forbidden to go on with the one topic after the other.

Swedish law requires that a part who wants a change of a judgement must state in what respects the judgement should be changed. In accordance with the law the defence counsel started to list the justificatory reasons in the judgement of the district court. He was forbidden to do so.

While the prosecutor was permitted to present disinformation on the function of the incestgroups, the defence counsel was not even permitted to mention the existence of these groups.

§246. Next, I shall make an extremely important point: *attention themes*. I do not apologize for applying a pedagogical approach.

There exists a party game where the target person is to solve a task concerned with numbers. There are so many persons in a bus. The bus starts and stops at the next stop. So many persons get off and so many get on. The bus starts and stops at the next stop. Etc. The target person will attentively add and subtract passengers. Then comes the question: how many times did the bus stop?

Compare this party game to a judicial trial. The judges may start out with the presupposition that their task is to count the number of passengers.

It might never have occurred to them that there would be any sense in counting the number of stops. *In his final plea*, but not until then, the attorney it permitted to inform the court that his entire argument is based upon the fact that the bus stopped 14 times. The judges may think: we have seen no evidence as to how many times the bus stopped. - In a sense they are right, because they paid no attention to this theme.

It may be crucial that the judges are informed *in advance* by the attorneys about what *they* want the court to pay attention to. *After* the evidence has been presented, such information may be of no value.

§247. In his initial statement in the case of Erna, the defence counsel supplied some information on attention themes. He had supplied exactly the same information in the case of Embla one year previously, where the very same judge was chairman. On that occasion he was not interrupted. But now he was told that it is an elementary fact that such things may only be stated in the final plea.

According to Swedish law, the aim of the final plea is to summarize what had emerged during the trial. The plea should *not* introduce any new circumstances.

(It seems that in the U.S.A. the jury is sometimes not informed about exactly what questions it will have to answer, until the trial is over. This pattern seems to guarantee a high proportion of false verdicts.)

§248. Shanteau (1995) verified the following pattern. People may better *recall* arguments appearing late in a series. But they are more *influenced* by earlier arguments. It is as if, when they have listened to the early arguments [MS: which in a trial are presented by the prosecutor], their view is changed in accordance with the latter, whence they no longer need recall the arguments themselves.

Shanteau also showed that people who try to leave irrelevant information out of account, will usually be as much influenced by it as others. The only way to escape its impact, is to compensate actively for its hidden effect.

Chapter 34
The Case of Erna and the Legal Status of Experts Witnesses

> *Suppose it occurred to the government to inaugurate the religion that the moon is made of green cheese; and suppose the government for that purpose created one thousand offices, each one for the head of a household, with the rank corresponding to a principal assistant secretary. Would anyone doubt that after a few generations statistics would show that this religion (the moon is made of etc.) would be the prevailing one in this country?*
>
> Søren Kierkegaard

§249. I shall say no more about Per Bryngelsson than what has already been stated in §241. But Per-Olof Elfstrand had treated Erna for her diabetes since 1979 when she was 5 years old. He was familiar with all those symptoms he listed in the court on 911016, except her suicidal attempts: her foot symptom (described in §164), stomach-ache, pain in the back, headache. But it can be seen from the case-notes (which the prosecutor tried to conceal) that still on that date he had given no thought to the possibility that they might derive from sexual abuse. Erna had talked of sexual assaults about 5 months earlier. But it was not until around this time he engaged one of the pioneers of recovered memory therapy in Sweden, Ulla Rydå, to examine the girl; he seems to have had no expectations as to what result she would arrive at. After a total of three sessions Rydå found that the foot symptom had no physical etiology and did not derive from simulation. It was a "conversion hysteria".

In §341 we shall encounter a hypothesis as to why Rydå inferred that Erna had been exposed to sexual abuse.

(a) Non-Freudians do not at all acknowledge conversion hysteria. (b) As defined by Freud and his followers, this syndrome does not at all function like Erna's symptom. (c) Freud was a poor diagnostician; his "hysterical" patients suffered from somatogenic diseases. (d) His causal events from infancy were faked. (e) The postulated symptom removal after recall of the causal events was likewise faked.

Nonetheless, Elfstrand testified in the court that these symptoms pointed toward sexual abuse.

§250. The defence counsel asked him how he knew that. *Then Elfstrand applied a stratagem which in Sweden is highly frequent among medical doctors. He turned to the chairman of the court and said that he had so understood his task, that he had been called as an ordinary witness and not as an expert witness. And the question now directed to him was*

only appropriate for an expert witness. (Later, Rydå applied exactly the same stratagem.)

The chairman agreed and forbade the question. He seemed to have understood that Elfstrand's assertion was about to collapse. But the judge's formal justification was this. The court had already appointed its own impartial expert witness; hence, the counsel might just as well ask this expert witness about *Dr. Elfstrand's* reasons for *Dr. Elfstrand's* assessment.

By indirect maneuvering, the defence counsel succeeded in extracting from Elfstrand that his assessment of the symptoms was based upon two things: his clinical experience, and the scientific literature.

In chs. 47f. we shall see that most of the literature on incest symptoms is pseudo-scientific. And if the doctor's assessment was based on his clinical experience, how many victims of sexual abuse had he encountered, who simulated a broken foot? And why had he, two years before his testimony, given no thought to the possibility of a sexual etiology.

Chapter 35
Egil Ruuth's Pseudo-Witness-Psychological Analysis of the Case of Ingalisa

One of the few gifts fate bestowed upon me is a capacity for truth insofar as it depends upon myself.

Adolf Eichmann

§251. The district court appointed the pseudo-witness-psychologist Egil Ruuth to evaluate Ingalisa's trustworthiness. (Later, the judge told me that he had specifically selected Ruuth because he deemed it important to have an expert who had clinical experience of children. He did not know that Ruuth had no such experience.) Like all other pseudo-witness-psychologists, Ruuth claimed for 10 years to apply the methodology of Elizabeth Loftus. He may have ceased doing so, since professor Loftus joined the defence against a Swedish pseudo-Loftusian in the case of Delphine & Solange (cf. ch. 105). While most of Ruuth's colleagues will as a matter of routine declare the suspect to be guilty, he himself is smarter. Once every two or three years he will "prove the absence of any prejudiced view" by selecting a person at random and declare him innocent.

§252. In case after case he proved the guilt of the suspect by means of his *criterion of differentiation*. A girl may claim that her father made two different kinds of assaults, but one of them invariably in one room, and the other invariably in another room. This distribution of kinds of assaults over kinds of rooms strongly suggests that the girl told the truth.

Ruuth never tried to validate this criterion. He pretends to be in the possession of a procedure for distinguishing true and false allegations. But it is barely possible to construct a mendacious account which will not be proved authentic by means of Ruuth's criterion. (Because non-family members are excluded, "differentiation" is not altogether absent in the following statement: "All family members performed all varieties of assaults in all rooms at all times of the day and year".)

Ingalisa said nothing of the kind, but Ruuth fabricated that she had said that her stepfather had licked her sex organ *only in his bedroom*, while he had fondled her breasts on the outside of her clothes *only in her own room*.

§253. A second ("differentiation") proof, consists of the claim that the stepfather had occasionally hit her, but never in connection with the sexual acts. A third proof is that Ingalisa's "level of maturity" is not compatible with her having made a false allegation. We are told nothing about *what* her level was, nor how it was *established.* No such level is known to science. Moreover, Ingalisa is highly (but not extremely) extraverted. A fourth proof

that Ingalisa told the truth, consists of the fact that she has accused him of exactly what she accused him of, while she might also have accused him of *more* than she actually accused him of. The last proof is included in the written judgement in numerous cases. This argument will be analysed in ch. 113.

§254. Now to the climax of Ruuth's logic. Strong evidence of truth is provided, if the girl claims that an assault which was about to take place, was interrupted and prevented by some external event:

> "Ingalisa sometimes *believed she had merely* dreamt that she had been exposed to improper advances by Sven Någonsson. *The thing which made her completely convinced that she had not dreamt* was, however, an event which took place during spring [1989]. She was in her own room reading a book whose title she can recall ('Thursday Children`, part 1). Sven Någonsson then said to her that he would like to see her naked. Exactly at that moment one of her pals called at the door." (italics added) [Q-253:1]

There is a clear insinuation that more would have happened, without the interruption. (Exactly this example was used when Ruuth was lecturing to the Court of Appeal in the case of Elvira on how to distinguish true and false allegations; cf. ch. 36.)

If 8 ½ years of continual abuse could not convince Ingalisa that she had not dreamt the whole thing, it is enigmatic why a call at the door could.

Furthermore, she claimed in the police report that the abuse had stopped 890301. In the town where she lived, it is harsh winter for some 6 additional weeks. Hence, the conviction-producing spring event must have taken place after the period of abuse was over.

Ruuth is probably the psychologist in Sweden who has sent most innocent people to prison.

§255. Genuine witness psychologists are keenly aware of the fact that it is hardly possible to assess the trustworthiness of *individuals*, but only the trustworthiness of *statements*. Not so Ruuth. In an appendix he lists 7 factors which may reduce trustworthiness; three of them are related to personality. How inapposite they are, is easily seen, if we try to apply them to the stepfather's rather than to Ingalisa's account:

The stepfather might untruthfully deny having licked Ingalisa's sex organ because (a) he had not yet learned to distinguish fantasy and reality; (b) he might suffer from mental illness; (c) it might be an *established* fact that he had previously told many lies; (d) the situation might have been difficult to perceive, e.g. because of darkness or interfering noises; (e) his perceptual capacity was reduced (e.g. because of liquor); (f) he had mixed up what he had perceived with what he had later seen on TV or heard from other people; (g) he complied with the police interrogator's prejudiced view that he had *not* licked his daughter.

§256. It is in Sweden *required* that a judgement must list the justificatory reasons. It must be possible for the convicted person and others

to learn from the written judgement *how* the judges reasoned, and *why* they convicted him. It must also be apparent that they reasoned *in a rational way*.

However, the Court of Appeal convicted the stepfather by a judgement of 46 words.

§257. The genuine witness psychologist Astrid Holgerson had no time to perform an investigation of the case. But she examined Ruuth's investigation and declared his methodology faulty and his conclusions unfounded. The district court asked *The National Board of Health and Welfare* to evaluate both documents. The answer of this organization is remarkable.

The word “pseudo-witness-psychologist” appeared in print for the first time in Scharnberg (1993). Seen through the eyes of the Board, Ruuth and Holgerson were on completely equal footing in each of the three respects which the Board explicitly discussed. Both were “witness psychologists”. Both had a long experience of having produced investigations of the trustworthiness of children in legal trials. And neither had any clinical experience with children.

When discussing Holgerson, the Board strongly emphasized that clinical experience with children is an absolutely indispensable prerequisite. There is no substitute of any kind. Whoever has not met children in clinical situations, may misunderstand their reactions and statements. Hence, the court was recommended not to pay any attention to Holgerson's contribution.

When turning to Ruuth, the Board stressed that he had a long experience of performing investigations of children on behalf of courts. And this was a completely satisfactory substitute for the absence of clinical experience. Hence, the Board recommended the court to take his investigation seriously.

§258. This volte-face is unsurprising. A series of Swedish organizations intentionally endeavour to maximize the number of innocent convicts of sexual abuse - inter alia: *The National Board of Health and Welfare, Save the Children, Children's Rights in Society (BRIS), The Children's Ombudsman, The Association of Psychologists, The Supreme Court, The On-Duty-Service-for-Maltreated-Women,* and *The Council for Crime Prevention*.

Chapter 36
Ruuth's Lecture to the Court of Appeal in the Case of Elvira

The fox having urinated into the sea, "The whole of the sea is my urine", he said.

Sumerian proverb

§259. "Elvira" was discussed in §§42-44, and will be resumed in ch. 49, inter alia. The parallel structure of "Elvira" and "Elfriede" is much closer than two recovered memory cases selected at random. Ruuth was appointed as the impartial expert of the court in the latter case, and "arrived at" the "conclusion" that Elfriede's account was authentic and that no external influence was involved. The judges (including the president of the Court of Appeal in Umeå) mechanically accepted Ruuth's commissioned work for the prosecutor. - When the father was acquitted two years later, the case was a nation-wide scandal. In particular Ruuth's competence was called into question.

A few months later the case of Elvira was re-tried by the Court of Appeal in Stockholm. The judges appointed Ruuth to teach them how to distinguish true and false allegations. They also appointed Kari Ormstad, with whose incompetence they were highly familiar with from the case of Reger (cf. §344). It is difficult to conceive of these choices as anything else than the ordering of forged evidence.

Ruuth's testimony was a lecture of 65 minutes, followed by a brief period of interrogation. During this interrogation the inability to see through even the most transparent tricks was demonstrated by everyone, not least judge Nilsson who was chairman. - It would be a mistake to conclude that a judge who is genuinely ignorant in many respects, could not have deliberately planned to sent an innocent man to prison. During the trial Judge Nilsson repeatedly made statements which proved his strong sympathy for the prosecutor.

§260. Ruuth's lecture consisted of two sections with watertight bulkheads between them. The former section was scientific but was completely irrelevant. Ruuth talked about eye-witness identification. But Elvira was never in doubt as to *who* had committed the crimes. Ruuth invoked the name of Elizabeth Loftus, but said no more than what a newspaper reporter might have gathered from a single article of hers.

The judges did not detect the gap between the two sections. They imagined that the second section was likewise based on Loftus's ideas. After Ruuth's presentation of all his criteria, a competent judge would have asked: (a) Do you maintain that Loftus would agree about your criteria? (b) Has she

published them in any paper? (c) As I understood your testimony, there is international agreement on the validity of the criteria you presented. Could you mention some international writer who has defended them? (d) Do you vouch for the absence of well-known international writers with widely discrepant views? (e) You know there are at least a dozen psychologists in Sweden who have a markedly negative attitude to your view as a whole. Do you suggest they would agree on the criteria you have presented today? (f) If not, do you think they are not competent? (g) Lennart Sjöberg and Max Scharnberg are teachers in the psychology of lying. This subject seems to be closely related to the assessment of the truth or falsity of sexual allegations - or do you think otherwise? Do you think they would accept your criteria? If not, are Sjöberg and Scharnberg wrong?

§261. Now to Ruuth's criteria. His lecture was manifestly *tailored* to the needs of the prosecutor, with whom he collaborated in secrecy.

Ruuth showed a video-recorded police interrogation with a 12-year-old girl whom I shall call Shirley. His first criterion or indicator is that information supplied by the child contradicts the expectations of the interrogator. For instance, the latter had expected that daddy had both practiced oral sex and made his daughter masturbate him. But Shirley said that both things had been practiced simultaneously. (This must be an utmost infrequent sexual variant.) She demonstrated with her hands, more or less as if she was playing the flute.

Objectively, it is “a general fact of experience” that children who are taught false things outside their experiential world, will very often get the wrong end of the stick and mix up things; cf. the list of genuine indicators in ch. 87. The most probable hypothesis is that this was what happened to Shirley. The scientific literature on sexual abuse is replete with comparable instances; e.g., the parsley case in §64, Vessela in §§786f., Billy in Underwager & Wakefield (1990), and Linda in *the twelfth book*.

Of course, the first hypothesis to suggest itself may turn out to be false. But Ruuth had not even discovered the first hypothesis.

§262. His second indicator was *the body language*. The concept itself is misplaced when used about the deliberate imitation of masturbating upon a penis in the mouth.

The third indicator is that the girl's account contains the constituent that the alleged offender during the act is standing at the window watching whether someone might be approaching. - But many indoctrinators will invent exactly such constituents.

The fourth indicator was that the verbal account is associated with spontaneous unwitting gestures, e.g. oral movements when recounting oral assaults. - I fear judges will need drastic examples to learn to see through such claims; hence I shall supply some. What do people feel in the oral area when they for the first time read about eating faeces while masturbating? Some of my readers must belong to the first-timers who activated certain muscles just now. From Ruuth's criterion it follows that they themselves had practiced this variant.

§263. His fifth indicator was that false accounts are goal-directed, while authentic accounts contain superfluous and unexpected details.
The criterion as such is stolen from Trankell (1971). But Ruuth applies it in an amateurish way. I have never seen an investigation in which Ruuth claimed to have arrived at the conclusion that the suspect was guilty, and the girl's account was not goal-directed.

"An unexpected detail" was illustrated by the detail from the case of Ingalisa which was analysed in §254. The reader may have realized that Ruuth, just like Bosaeus (cf. §218) has inadvertently constructed a formula, which all future fabulators may apply in order to transmute their lies into truths.

Police officers and clinical psychologists have learned from Trankell that a true account must contain "superfluous" and "unexpected" details (cf. §61). Hence, they will fire questions at the child such as: "Do you recall the colour and pattern of the wall paper?" "Did it ever occur that someone called at the door when he was just about to do this thing?"

The sixth indicator is that the victim excuses the offender. "Daddy is kind nonetheless." "It was my own fault." - Police officers and clinical psychologists use to iterate that it was not the child's fault. And the child who is forced to lie, may really love her father.

The seventh indicator is that the emotional expression matches the content of the message. This indicator is likewise taken from Trankell (1971) but applied in a parodic way. In order to produce convictions, Ruuth and his followers habitually postulate the presence of matching emotional expression, even where its absence is flagrant. His own video is typical. Shirley was completely uninterested in talking of sexual abuse. She found it much more amusing to toot-toot-tooting into the microphone. Apart from being somewhat bored by the interrogation, she was in a happy mood. If she had any recollections of sexual abuse, they must not only have been pleasant but *funny*.

The aim of Ruuth's methodology was to give the appearance that he is a serious investigator. He has never applied his own methodology.

Chapter 37

Psychiatrists' Ability to Make Correct Assessment: Scientific Research and Practical Experience

There is an inverse relationship between subjective feelings of certainty and success of prediction.

Hans-Jürgen Eysenck

Experts in the more esoteric fields of clinical psychology tend to be less accurate in their predictions than beginners.

Hans-Jürgen Eysenck

§264. The assessments presented so far, warrant certain conclusions:

(a) The psychiatrists and clinical psychologists have no impressive capacity for assessing trustworthiness or other human properties.
(b) Even the most esteemed clinicians make numerous and large errors.
(c) Many errors are so elementary that they would be very easy to avoid.
(d) Many clinicians enormously overrate their capacity.
(e) They function as ignorant layman dressed in the clinician's uniform.
(f) Probably, the reason for the excessive low achievement is that clinicians imagine themselves to possess capacities which they do not have and, hence, *indulge* in primitive psychological mechanisms and lay prejudices.

§265. Unfortunately, judges and many others look upon clinicians as a kind of magicians with X-ray eyes, who are capable of seeing through people and disclose the ultimate truth. Almost any kind of nonsense is accepted if disseminated by a clinician, despite the fact that most judges have personal experience of the incompetence of clinicians.

Skill will not necessarily increase by experience. Astrologists with 40 years of experience will not predict future events better than beginners. Experience has a positive effect only if the person after each act will learn his level of performance.

One may train pistol shooting by firing a shot and immediately obtain knowledge of results. This approach can hardly fail to increase skill. Alternatively, one may fire the shot and form a subjective evaluation of the performance. As time goes by, one may be more and more convinced of his own superiority and, hence, less and less careful, whence the performance level will gradually decrease.

§266. The judges' exaggerated confidence in psychologists, primarily derives from the fact that psychoanalysts have for a century exposed the entire society to massive propaganda about their extraordinary merits - in academic texts, popular science books, movies, novels, plays, articles in

cultural periodicals, newspaper articles, TV programs etc. Numerous movie directors, fictional writers, playrights and reporters have undergone a personal psychoanalysis, and try to improve the world. Judges may take as indisputable truth any view to which they are incessantly exposed to during their leisure time.

§267. The basic idea is found in Freud's earliest writings:

> "He that has eyes to see and ears to hear may convince himself that no mortal can keep a secret. If his lips are silent, he chatters with his finger-tips: betrayal oozes out of him at every pore" (Freud, GW-V:240/SE- VII:77f.) [Q-267:1]

What Freud asserts here, is a recurrent feature of the primitive gossip monger; cf. also the chapter on Freud's personality in Scharnberg (1993, II). Moreover, Freud was aware of not telling the truth. In the very same paper he claims that his patient Dora had for some weeks entertained the decision to drop out at the end of the year. When she finally told him that she would not return, he got a nervous breakdown from fury. The text starts: "her breaking off *so unexpectedly"* GW-V:272/SE-VII:109, italics added).

§268. It would be a matter of routine to juxtapose hundreds of texts in which psychoanalysts have postulated the same capacity for seeing through people. In *the ninth book* we shall scrutinize an audio-recorded treatment by one of the great psychoanalysts called "Dr. Lambdason". Just like Freud, he showed an excessively low awareness of what happened right under his nose.

In §§276 and 438 a few words will also be said about John Nathanael Rosen (1953), his alleged cures of alleged schizophrenics, and his disclosing of the psychological cause of their disease.

§269. A lucid survey of the position of science is provided by Eysenck (1957:188ff.):

(a) Clinicians do not perform assessments of trustworthiness and other human features, which are superior to those made by the first layman that comes along.
(b) Clinicians with a *long* clinical experience make inferior assessments in comparison with novices.
(c) Laboratory psychologists who have never been concerned with human beings, will make assessments of trustworthiness and other features, which are superior to those made by the clinicians.
(d) Natural scientists (e.g. meteorologists and chemists) will make assessments which are more correct than those made by the laboratory psychologists.

This is by no means a paradox. The crucial factors leading to good performance are:

(A) The ability to distinguish between facts and speculation.
(B) Gathering a large number of facts which cover a sufficiently large part of the relevant area.

(C) The application of valid procedures for drawing inferences.

One possible misunderstanding must be guarded against. Psychoanalysts and judges use to claim that they use “all the facts” for their conclusions. But this claim merits several comments.

(a) Because of the nature of the equipment of the human mind, it is not possible to handle a large amount of information.

(b) The skilled expert usually does not use very many facts. But he has the eye for seeing *what* facts - which may be few in number - are crucial. And his conclusion is based on the relevant facts.

(c) It can be easily seen from psychoanalytic case-studies and from judgements, that psychoanalysts and judges are accustomed to base their conclusions upon very few facts.

(d) Psychoanalysts are almost invariably ignorant of the crucial facts. And judges are likewise so in trials of sexual abuse.

§270. What is said by a patient during a session, is ephemeric and very difficult to recall. When watching a movie, the reader may try to stamp in just four consecutive statements, and recall them after the end. Even leading American and European researchers on movies have surprisingly often built entire analyses upon erroneous recollections (Lundin, 1979:17). By contrast, a printed paper can be re-read many times. A clinician who does not manage to read a printed text correctly, will surely do even worse in the consultation room.

Freud's writings reveal that he had a primitive and narrow-minded personality, and indulged in the vulgar lay prejudices. He picked up a few trivial observations here and there on the ground that they could be used or misused to support his pre-established interpretations. He had a minimal insight into his patient's problems and into the human mind per se. He was a habitual fabulator, and fabricated clinical observations on the whim of the moment. He did not recall his own lies from one page to the next. Nonetheless, well over a million experienced psychiatrists and psychologists think they have perceived the very opposite character of his writings. Miller (1973:500) talks out “the chrystalline clarity” of Freud's papers. - If recent psychoanalytic papers seem less irrational, this is because they have deliberately been drained of clinical observations.

§271. In the preface to *Traumdeutung* Freud claims that: when he asked the patients to give free associations, they recounted dreams. - We know that Freud recurrently put his own fabrications into the mouths of his patients. In his three seduction papers from 1896 he claims to have *pressed* for free associations; but no patient is said to have responded by recounting a dream. Moreover, feigned surprise belongs to Freud's standard stratagems. He may have needed a pretext as to why he suddenly devoted so much attention to dreams in a book published only four years later.

It would be a noteworthy fact if an entire sample of patients started to recount dreams, when asked to give free associations. Nonetheless, the experienced Swedish psychoanalyst Brattemo (1988:120), mechanically

takes Freud's words at face value.

§272. Certain errors of translation in the SE reveal the lack of knowledge of human nature of James Strachey, a psychoanalyst with a long clinical experience. From SE-VII:65 we learn that Dora's mother was in the habit of *locking in her 19-year-old brother in his room at nighttime*. If he resigned himself to such a fate, one may wonder how he managed to become a famous labour leader only three years later. We also learn that this pattern had persisted for some time, and that the father *suddenly* one day started a quarrel because of the risk in case of a fire.

The primary point is not that Strachey made a linguistic, but a psychological error ("absperren" means "blocking" not "locking"). A translator well tuned to reality would have felt startled and given a second thought to the text. We can only guess what happened in 1900, but the following pattern is a good venture. In connection with Dora's 18-year-birthday her mother intended to place an extra bed in front of the door of the brother's room, which opened outwards. And this *single* event lead to a quarrel about the risk.

§273. It has been doubted that hysteria exists at all. It seems to me that the syndrome described by Janet (1893 = 1894 = 1901) cannot be assimilated to any other nosological category, and that it derived from neither simulation nor suggestion. However this may be, none of Freud's patients suffered from hysteria. One of the best sources for assessing Freud's errors is Scharnberg's (1993, II) analysis of the 19 cases published by the first psychoanalyst trained by Freud, Gattel (1898). Anna O. and Dora likewise had purely somatogenic illnesses. Nonetheless, all Freud's followers until 1980 accepted his erroneous diagnoses, cf. Fenichel (1945), Deutsch (1957), Erikson (1976), Glenn (1980).

==========

Table 274:1

Professions of Good and Poor Performance, respectively
(from Shanteau, 1995)

DOMAINS WITH	*GOOD PERFORMANCE*	*POOR PERFORMANCE*
	Weather Forecasters	
	Clinical psychologists	
	Livestock Judges	
	Psychiatrists	

Astronomers
Astrologers
Test Pilots
Student Administrators
Soil Judges
Court Judges
Chess Masters
Behavioral Researchers
Physicists
Counselors
Mathematicians
Personnel Selectors
Accountants
Parole Officers
Grain Inspectors
Polygraphers (Lie Detectors)
Photo Interpreters
Intelligence Analysts
Insurance Analysts
Stock Brokers

[*domains with an intermediary position*]

Nurses
Physicians
Auditors

==========

§274. Shanteau (1995) compiled a list of professions distinguished by good, poor, or intermediary performance. His list is presented in Table 274:1. He cites Oskamp (1962) who showed that: when clinical psychologists assessed the very same (written) cases twice, they would make the same assessment both times only in 44% of the cases. *Shanteau himself had court judges read cases and decide how they would judge. On the following day the experiment was repeated, but the judges did not know that some of the cases were the same on both days. They could not even agree with their own decision yesterday in more than 50% of the cases.*

Oskamp (1982) found a very important generalization. [And no adequate objection can be based on the fact that in certain flagrantly dissimilar situations people may react in dissimilar ways.]

A clinician may be provided with a set of observations. On the basis of these, he may form a tentative hypothesis. If he is afterwards given additional information, his confidence in his first hypothesis will increase, regardless of whether the additional information is completely irrelevant to the hypothesis.

Sometimes, even information which runs counter to the hypothesis, may be used to bolster the latter.

Overconfidence is typical of all human beings, including judges. We may closely observe the pattern in the consecutive contributions of Dr. Bosaeus to the case of Violet.

The assessments by the psychologists in Oskamp's study were barely better than chance. Even the slight increment may have a trivial explanation. Try this item: “Joe Brown is 37 years old. Is he heterosexual or homosexual?” Pure guess work would result in 97% correct answers.

§275. Freud iterated that his theories were proved on the couch. He may present the patient with an interpretation and ask whether it is true. The patient may answer, “I don't know” or “I have never thought of that”. Such responses constitute absolutely valid confirmation of the interpretation (GW-V:218, 231/SE-VII:57, 69).

A man who had practiced coitus interruptus for 11 years, got a heart attack followed by an anxiety neurosis when his father died. According to Freud (GW-I:331/SE-III:105), it is easily seen that the father's death was merely a trivial event, while the sexual habit was the true cause. Freud (GW-IV:162n/SE-VI:146n) also describes a 14-year-old girl who complained of abdominal pain, which was “an unmistakable hysteria, which did in fact clear up quickly and radically under my care. [...] Two months later she died of sarcoma of the abdominal glands”.

§276. Rosen (1953) claims to have completely cured a patient of schizophrenia, and established that the illnes was caused by the perverse mother. After a relapse, it turned out that the patient suffered from hyper-thyroidea, and a surgical operation was performed.

Meehl (1977:312f.) described a hyper-aggressive borderline schizophrenic wife who during 15 years made an extraordinarily hell out of the life of her husband. He functioned as a kind of psychiatric nurse to her, because a family therapist during 9 years had brainwashed him [Meehl's expression] into believing that he had by his neurotic behaviour made his wife the way she was. During an additional 6 years another therapist acquitted him of the causal responsibility, but also said that the wife would collapse into a total psychosis if he left her. When he finally could stand things no longer but left her, the wife changed neither for the better nor the worse. But he became happily re-married.

§277. Wilson & O'Leary (1980:2ff.) describe a 35-year-old male

exhibitionist who had been 6 years in prison and 9 years in psychoanalysis without the slightest change. When he was caught once more, a (court-appointed?) psychiatrist declared him incurable and recommended imprisonment for life. Then his psychoanalyst referred him to a behaviour therapist, who cured him permanently in 6 weeks. He was given a suspended sentence.

The psychoanalysts knew from the start that their treatment could never help. They also knew where he could obtain effective therapy. And the (court-appointed?) psychiatrist's assessment was just the amateurish evaluation by an ignorant layman, who happened to have a medical licence. If 9 years of treatment of a kidney stone with porridge compresses has no effect, the reason must be that the patient in incurable. The idea that the therapeutic approach could be misplaced, need not even be considered.

There is nothing paradoxal about the differential effect. The patient had told his psychoanalysts that the impulse to exhibit his penis came over him with an irresistible power like a bolt from the blue. All the analysts took this at face value. The concept of “the unconscious” is prone to conceal the actual function of the human mind. Objectively, most psychic occurrences are consciously felt and perceived, but not cognitively noticed and, hence, not amenable to verbal description. What need be distinguished, is the *spontaneous* and the *reflexive* conscious.

The behaviour therapist measured the patient's penile arousal, placed him in a realistic situation, and had him talk aloud and describe everything which went on in his mind. Immediately it turned out that the impulse was very faint when it started, but gradually grew as he indulged in fantasies about the expected pleasure.

Consequently, the therapy consisted of two aspects. The patient must learn to recognize the first embryonic impulse, because he can do something about *this*. And he must learn massive relaxation automatisms, which he can trigger off instantaneously.

Examples of clinicians' lack of familiarity with the human mind in general and their lack of insight into their patients' minds, could be multiplied to any desired length.

Fifth Book

The Blackmailing Case of Graziella

Chapter 38
The Girl's Semi-Testimony and the Fundamental Sham Evidence Fabricated by Suzanne Insulander

Egoists of the worst kind will burn down another man's house in order to cook their own eggs.
Francis Bacon

§278. Fourteen-year-old Graziella was an aggressive and extremely extraverted girl. She was a good fighter, even against boys. Not long before the present case started, she reported to the social agency that an immigrant girl had been severely battered by her parents. Her entire body was full of bruises. Two social workers immediately went to the girls home to take care of her. She had to undress stark naked in the bathroom. But they found no bruise at all.

There is some doubt as to the exact motive behind the incest allegation. Graziella talked about the incest for the first time 930906 to a female schoolmate whom she disliked, but who was living in the same village as her 19-year-old boyfriend. She must have planned that this girl would tell him about it. - Since her father had on the same day gone on a business trip, the first police interrogation did not take place until 930923. The father was immediately arrested when he returned.

After he was convicted by the district court, Graziella retracted the accusation. The prosecutor and two social secretaries threatened to send her deeply beloved boy-friend Raymond to prison for having slept with a minor, unless she stuck to the allegation. She did revert to the accusation, but once more retracted, once more was threatened, and once more reverted. In the Court of Appeal she refused to answer any questions at all.

The threat against Raymond was by no means vacuous. Dahlström-Lannes (1990:202) presents a statistic table of convictions for sexual abuse of children. I have checked her cases at the archives of the district court in Eskilstuna. One of the convictions concerned an 18-year-old boy who had slept with a 14-year-old girl. Prosecutor was Lennart Melin, one of the primary incest fanatics in Sweden. We have already met him in the case of Ingalisa.

§279. The pseudo-witness-psychologist Suzanne Insulander was appointed as the “impartial” expert witness of the court. She secretly worked as a commissioned aid to the prosecutor. It was a matter of routine to predict that she would “arrive at” the “conclusion” that the father was guilty. Nonetheless, the father's first attorney enthusiastically welcomed her appointment.

Like all other pseudo-witness-psychologists, Insulander claimed to apply the method of Elizabeth Loftus; she took the chance that no one

would expose this stratagem. How it was eventually exposed, will be described in ch. 105.

Insulander fabricated what will henceforth be termed *the central argument of the case*. When Graziella said her father had abused her, her version [singular!] is comprehensive, detailed, coherent, logical, and free from contradictions. Her own and other people's psychological reactions and motives are easy to grasp. The sequence of events is probable. The narrative is presented in a spontaneous and unrestrained way. When asked for clarification she gives lucid answers.

By contrast, when the girl states that her father did nothing to her, her version is conspicuously wanting in detail, incoherent, replete with contradictions and with psychological reactions which cannot be understood, and are improbable in themselves. Among other oddities, Insulander notes this one: whenever Graziella claims that Daddy has not slept with her, she also claims that she has never slept with her boy-friend. Moreover, the non-abuse version is presented in a mechanical way, and the concommittant facial expressions are lacking in variation. She has a defensive attitude, shuts herself up, and cannot be reached with questions.

Together, these circumstances are said to prove that the abuse version is true, and that the non-abuse version is false. The reason why Graziella retracted the former allegedly derived from excessive pressure which she could not withstand.

§280. Four out of five judges of the Court of Appeal (Eilard, Winquist, Håkansson, Mauritzson) mechanically copied this story, and convicted the father on the basis of the psychologist's testimony. (Pålsson voted for acquittal.) The judgement contains 25 justificatory reasons, all of which are at the level of beer-house talk. In a newspaper interview judge Eilard revealed his enchantment by the female attraction of the much younger psychologist (“the brave girl!”). Evidently, he had enjoyed her appearance rather than listened to her words. He entertained astonishing illusions about what she had said and about the amount of labour she had devoted to the case.

§281. Several aspects of the central argument are worth noticing. To me, *parallel order relations* constitute a fundamental method. To Insulander, it was an ad hoc procedure, suitable for *decorating* her aprioristic axiom of the father's guilt, and fitting as *a persuasive stratagem*. I agree that the strange parallel retraction of coitus with the father and with the boy friend, reveals that something is at fault. But it gives no hint as to *what* is wrong. It was the obligation of the psychologist and the judges to realize that much, even though they could not know what *we* know: if Graziella denied intercourse with her father and admitted intercourse with her boyfriend, the latter might be send to prison. She had no choice but to deny both partners at the same time.

§282. Whenever Graziella emitted the abuse version, she was welcomed by at least 7 interrogators. All of them spontaneously took her

account at face value, and did not ask for any evidence. The aim of the questions was solely to delienate the extension of the charge. No attempt was made to test whether she had told the truth. Not even the most gigantic contradictions, psychological absurdities, gaps in information, and other lie signals, lead to any request for clarification. No questions were asked about motives.

By contrast, whenever she claimed never to have been abused, she was confronted with (a) a wealth of insinuations that she was lying; (b) a wealth of suggestive questions aiming at causing her to revert to the abuse version; (c) repeated requests for details, with the flagrant aim of proving that the non-abuse version was untenable; (d) repeated requests for explanations of things which are in no need of any explanation; even for a highly competent expert it would be a tough job to present an explanation; (e) absurd requests that a 14-year-old layman must explain phenomena belonging to the advanced level of the psychology of motivations. In one single interrogation I counted 77 suggestive attacks.

Naturally, her own attitude reflected the attitude of the interrogators. The judge who voted for acquittal was aware of *this* parallel order relation.

There *are* some strange inconsistencies in the non-abuse version. They derive from the blackmailing *and* from her being unaccustomed to stick to the truth. However, *it is a deliberate fabrication that the inconsistencies of the abuse version is less than those of the non-abuse version. Quite the opposite thing is flagrantly the case.*

§283. I have applied the pruning technique to the following excerpt from the police interrogation 930923, in which the rape 930905 is discussed. (P = interrogator, G = Graziella.)

P-1: What was it that made him finish the act of intercourse?

G-2: *I don't know.*

P-3: Do you know whether he had an ejaculation?

G-4: *No.*

P-5: Try to think once more. Do you know what an ejaculation is?

G-6: Mm.

P-7: *But certainly you must know whether he had an ejaculation or not?*

G-8: *But he got it afterwards when he had taken out his penis.*

P-9: He got the ejaculation afterwards.

G-10: Mm..

P-11: *And where did the semen land?*

G-12: *It - - landed on - - clothes and underwear which were to be washed.*

§284. She goes on to state that the father was standing on his knees in the bed. He put his hand on his penis, *moved the hand upwards* and *pressed out* the semen. (According to the version in the district court, he collected the semen in his hand.) Graziella saw when the semen come out. It had *a somewhat white colour*.

Note that she said nothing about the semen until the interrogator gave her a clear signal that her account was in need of improvement on that point. If she had really experienced what she finally recounted, it is incomprehensible why she did not recall this constituent a few minutes earlier.

Q-283:1 illustrates a recurrent pattern. Graziella will first claim that she knows nothing about some specific circumstance. But then she is asked a number of questions which imply or explicitly assert that her ignorance is impossible or extremely improbable. And then her response will be to supply an extensive description of a concrete and detailed sequence of events.

The Court of Appeal stated that precisely this police interrogation was performed in a highly competent way.

Note also that G-8 is a typical *intermediary answer* in the sense defined in §153f.

Shyness will not do as an explanation of Graziella's initial ignorance. She has in numerous ways proved her absence of shyness. She had previously stated that she ceased to be a virgin when she was 12, although she did not identify the partner. But she also claimed that her father raped her from when she was 10. No one detected this contradiction.

§285. The following excerpt is from the same interrogation:

P-1:	Did it happen this thing some earlier time?		
		G-2:	*Yes, most of the times it happened.*
P-3:	When was the last time before this one?		
		G-4:	*I don't know.*
P-5:	About?		
		G-6:	*I do not have the slightest idea.*
P-7:	But you must certainly know something thereabout, has it happened at any time during this year?		
		G-8:	Mm.
P-9:	When about, during this year?		
		G-10:	[inaudible] *O KAY, three weeks earlier on the Sunday.*
P-11:	Likewise on a Sunday?		
		G-12:	Mm.

P-13: Three weeks earlier?

G-14: Mmm.

P-15: In what room did it happen then?

G-16: *I don't remember*.

P-17: *But you certainly must remember?*

G-18: No, I don't remember whether it was in my room or in his -

P-19: If you try to think it over. *Why, it is not very long ago.* Couldn't you just try to recall where it took place?

G-20: I *think* it was in his bedroom. *I am not sure.*

P-21: *Why are you not sure?*

G-22: *I don't recall.*

P-23: What happened at that time then? Could you tell me about that?

G-24: Mm. - *It happened something of the same kind as on the Sunday.* [Q-285:1]

Here, *the hooking onto technique* is manifest. Graziella is eager to produce an answer which will satisfy the interrogator. *The criterion of simple isomorphy* justifies the conclusion that the hooking onto technique is likewise responsible for Q-283:1.

Note also that G-2 is altogether incomprehensible.

G-24 implies that the penultimate assault was likewise a complete act of rape with ejaculation.

§286. Graziella has however supplied many discrepant versions of the penultimate assault:

(a) What happened at the penultimate assault was more or less the same thing as what happened at the last assault (i.e., completed coitus and rape).
(b) The father caressed her thigh and did not touch her sex organ.
(c) He caressed her thigh and touched her sex organ for a moment.
(d) She does not know whether sexual intercourse took place on that occasion.
(e) She has no idea as to in what room the penultimate assault took place.
(f) The penultimate assault took place in her father's bedroom.
(g) She has no idea as to the time of the penultimate assault.
(h) The latter was performed on Sunday August 15th.
(i) When the father's business calendar proved the impossibility of this date, Graziella (*or rather her i-p-lawyer!*) searched through the calendar, and said that the date *might* have been August 8th.
(j) On the very same day as the bath towel assault (to be described below), she was fetched by Raymond. She confessed the assault to him in the car after about one hour.

(k) Graziella has no recollection of anything else that happened on the day of the bath towel assault.

§287. The suggestion of August 8th is much more strange than it may appear. August 6th was Graziella's birthday, which was celebrated with guests from another continent. I shall not state the circumstances which reveal that it was not Graziella herself but her i-p-lawyer who searched the calendar and found a date which she thought to be irrefutable. I have later constructed a complete time table based on the father's passport stamps and air tickets. The only possible weekends are July 18th and June 27th.

§288. The girl's poor recall of the time is so much the more surprising, as she stated in the district court, that she had called her boyfriend Raymond about 4 o'clock p.m. and asked him to fetch her. He had something else to clear away first. She said, o kay, I shall take a bath meanwhile. When she came out from the bathroom dressed in only a bath towel, her father asked her to fetch a magazine. When she came, he caught hold of her and caressed her thigh, “somewhat in the neighbourhood of my private parts”.

This is definitely not “something of the same kind as” the last assault, cf. G-24 in Q-285:1. Note also that, if the later version is true, Graziella is capable of accusing her father of an act of rape which never took place.

§289. In the car, Raymond felt that something was wrong, and incessantly asked her. But not until after an hour did she tell what daddy had done to her. *Note carefully, this was the very first time she told Raymond about the abuse. She semi-testified that he did not believe her because she did not cry.*

Later during the very same interrogation she said that her very first intercourse with Raymond took place on September 6th (that is, the day after the last rape). After the intercourse she cried and confessed to him, and now he believed her. She also told that, at her first confession he had said, “If it ever happens again, promise to call me immediately and tell me.” This is a strange statement from a boy who did not believe her. Even more strange, she did not give him the answer: but it has already happened so many times that I know it will soon happen again. Nor did she call Raymond after the last rape *because her father used to be angry if she called anyone so late in the evening*. Wouldn't a father who had just raped his daughter have quite different reasons to worry, if she immediately afterwards called someone? This is a typical instance of *the deficient reality feeling* of the fabulator.

According to still another version, she did not recall at what time she told Raymond for the first time. This is particularly noteworthy, because it is known that Graziella was from the very first meeting fascinated by this boy. Incessantly, she was aware: now I have known him for 4 weeks and 3 days etc. She immediately gives correct and exact answers on such questions during the interrogations. Note the tendency of the fabulator of *making each lie rest in itself, without bothering about its relation to other lies or to indisputable external facts.*

§290. Another excerpt from the same interrogation:

G-1: No, afterwards - he caressed my thigh. Then I said to him, Stop it, I said, Pack it up.

P-2: On your thigh?

G-3: Mm.

P-4: *Did he caress you anywhere else?*

G-5: *No, not on that occasion*. I took his hand away and said "Pack it up I said" and then, then I do not quite recall what happened.

P-6: But what happened afterwards?

G-7: *I don't recall.*

P-8: Try to recall. Did he do anything else apart from caressing your thigh?

G-9: *Not as far as I recall. I don't recall what happened on that occasion.*

P-10: *Was it a matter of some act of sexual intercourse on that occasion?*

G-11: *I don't recall.*

[P-12 to G-15 have been deleted]

P-16: *Has there been any act of sexual intercourse in daddy's room on any occasion?*

G-17: Yes I know that [inaudible]

P-18: *Do you know if it was on this occasion or on some other occasion?*

G-19: *No, I don't know.* [Q-290:1]

§291. Graziella has an extraordinary capacity for constructing lies instantaneously. Within a section of 10 statements she manages to supply four different versions: (a) her father did not do anything except to caress her thigh. (b) As far as she can recall, he did not do anything else. (c) She does not recall where an act of intercourse took place on this occasion. (d) There have been acts of intercourse in daddy's room, but she does not recall whether it was on this occasion or some other occasion. - Note, *this* is the assault after which Raymond questioned her for a whole hour in his car.

Recall that *one of the two main sources of lies consists of modifications of authentic states of things.* There must be countless fathers who have caressed their daughters' thighs.

The blindness of the police, the psychologists and the judges reveal *the rationality* of the habitual liar's disregard of logical structure. Why should he or she spend much labour upon the task of removing errors which no one

will detect anyway?

Chapter 39
Further Illustrations of Lies and Lying Techniques

Since 1000 years is to him like one day, 70 years corresponds to exactly 1 hour 56 minutes and 3 seconds.

Søren Kierkegaard

§292. From 930101 to 930905 the father was away on business trips 11 times, for 2-35 days, 142 days all in all. All dates are verified by passport stamps or airplane tickets or both. Graziella claims that the assaults always occurred just before he went away, or just after he returned. This is an elegant formulation, but it reveals the girl's deficient reality feeling. However, she is never asked to clarify whether "just before" means within 1 or 10 days or what? A perfect random distribution could hardly fail to make her assertion trivially true.

The temporal assertion would strongly facilitate temporal recollections, e.g., "He raped me in March just after he had returned from [Paris] and just before he went to [Cyprus]." - And although trips and assaults were so intimately connected, Graziella herself wanted to go with him 939729 when he had just returned 930725. She was disappointed when she was not allowed.

Likewise, she met Raymond 930702 and immediately fell in love with him. She is not the kind of a girl who would have waited until 930906 with sleeping with him. For half a year temporal dates run through her head, such as: "On next Saturday I have known him for two months and three weeks". Hence, she had access to an exact temporal scale for dating the assaults. Because of psychological reasons, assaults before and after 930702 must have felt in a radically different way. Nonetheless, her "memory" was blank of dates and nature of any assault except the last two.

§293. Still during the very first police interrogation the girl was asked to describe any further assault:

P-1: Could you tell me about any other event?

G-2: *They have been of the same kind,* I don't recall them very well.

P-3: When did it happen?

G-4: *There have been some occasions during this year.*

P-5: How many times during this year did he do something?

G-6: *I don't know.*

P-7: About how many times?

G-8: *Five to six.*

P-9: Five to six times this year?

G-10: Mm..

P-11: You have described that he *fiddled with you* on one occasion and that he performed *an act of sexual intercourse* on one occasion. The other occasions, what happened then?

G-12: *The same thing.*

P-13: *What kind of the same thing do you mean?*

G-14: *He has done the same thing as he did on the other occasions.*

P-15: Couldn't you try to describe some of those occasions? When did they take place?

G-16: I don't recall the times, *the only thing I know is that what happened was something of the same thing.*

P-17: I am aware of being a little tedious but I would like you to recount about those other occasions. *Has there been any more act of sexual intercourse during these years?*

G-18: *Yes.*

P-19: Where did it take place?

G-20: In his bedroom.

P-21: Could you tell me about this occasion when sexual intercourse took place in his bedroom. At what time was it, around?

G-22: *I don't know what month or date, I don't recall the time.*

P-23: Around? *Was it at the beginning of the year or in the middle or in the autumn?*

G-24: *I don't recall* [inaudible]

P-25: *Was it long ago?*

G-26: *Yes. Rather long ago.*

P-27: *Do you recall whether it was winter or whether it was spring or summer?*

G-28: *No, I don't recall that.*

P-29: *You are at least sure that it was during this year?*

G-30: *Yes.*

[Q-293:1]

§294. The isomorphic relations throughout the entire case are noteworthy. Vacuous statements and don't-know answers are after repetitive questioning substituted with firm claims (*the hooking onto technique*). However, the claims are singularly wanting in detail. Genital rape and caressing the thigh could hardly be more dissimilar. Nonetheless, Graziella *thrice repeats*, in response to explicit questions, that *the same thing* (as what?) took place at the remaining 3-4 assaults. Note also how carefully the interrogator avoids to press the point, in order not to obtain counter evidence. And when she observes that Graziella is incapable of supplying such information which any genuine incest victim would have immediate access to, she drops the topic.

Earlier, she recalled one act in September and one in August. Now, she cannot even tell (930923) whether any of the remaining acts might have occurred during the very same autumn.

§295. The fifth main topic of the first interrogation is concerned with the number of assaults throughout the years:

P-1: How many acts of sexual intercourse have there been throughout the years, do you know that?

G-2: No, I don't know. *I have tried to forget it.*

P-3: You have tried to forget it?

G-4: Mm.

P-5: But don't you recall whether it was one time or ten times or - ?

G-6: Well, there has been *more than one act at any rate.*

P-7: More than one?

G-8: Mm.

P-9: Well. *More than five times?*

G-10: *Well, I am inclined to think so. I am not sure.*

P-11: *More than ten times?*

G-12: *I don't know.*

P-13: *You don't know?*

G-14: *No.*
[Q-295:1]

Not very many minutes previously she states that the number during 1993 was 5-6, and that the first coitus took place in 1989. Unless the assaults clustered in a single year, the arithmetic will not fit: the sum total could hardly have fallen short of 10. G-6 is the strangest of the statements. Manifestly, Graziella is bandying with figures without connecting them with the empirical world nor with any information in her memory.

We cannot rule out the possibility that exactly this pattern of fabulation

lead the Court of Appeal to conclude that Graziella's account is “free from exaggerated claims”.

§296. There are two further lie indicators in the girl's account, which are related but do not necessarily coincide. I shall call them *The seven-league-boots* and *the uneven distribution of details*. An apt illustration of the latter (but not the former) indicator was described in §43 as regards Elvira.

Any true story shows some uneven distribution. Even if we could agree that a certain sequence of events consists of, say, ten sections of “equal size”, few eye witnesses describing the sequence would devote even approximately 10% of their words to each section. Nonetheless, we may sometimes be struck by an uneven distribution which seems almost surrealistic:

G-1: He was the one who took them off [=my pants]
P-2: Well, and what happened afterward?
G-3: Well, afterwards - afterwards he just left.
[Q-296:1]

The entire intervening sequence of events is passed over in a seven-league stride. This is a recurrent pattern in Graziella's narrative. - Note also how carefully the police officer avoids the natural next question: “But I mean, what happened just after he had taken off your pants?”

§297. In the Court of Appeal there was some discussion as to whether the father was sitting in the bed while undressing on the very last assault (Graziella had supplied contradictory versions). The clothes he wore on the occasion are established with certainty, and he could not have removed them while sitting. The pseudo-witness-psychologist invented a Salomonic solution: he was sitting down when he started to undress, and was standing up while finishing the undressing. If we permit each lie to rest in itself, this solution is perfectly satisfactory.

This is a typical *one-step argument*: “The construction may seem plausible enough, as long as one takes only one step along the argument. But as soon as one takes a few further steps, the argument will collapse by its own weight” (Scharnberg, 1993, I, §101).

The girl also maintained that on this occasion she “*fought against and said, no, I won't. Tried to tear myself away*”. But she did not manage to because he held her down with both his hands. In this situation it is much more surprising that she succeeded so poorly when the father was standing up and undressing. Was she just lying in bed, passively waiting for him?

A logical point was made by the judge who voted for acquittal. The pattern of Graziella passively receiving the father, with her mother in the next room and the door not fully closed, is credible solely if the assault is assumed to be one in a long series of similar acts. But Graziella has been unable to indicate any other non-trivial act than this single one.

She has claimed that she usually *screamed and kicked* during the assaults. *At what time* did she start to do so; already at ten? But why did she not do so during the last assault? Had she resigned herself to her fate? If so, *at what time?* Furthermore, the father must for years have been careful only to rape his daughter when no other family member was at home. Hence, it seems odd that he took such a considerable risk 930906.

§298. In the district court Graziella told the following thing, which she repeated when questioned by the judge. Her father had said to her on some occasion during 1993 that, since she was an adopted child, he did not feel she was his real daughter. To compensate for the "distance", he slept with her to achieve a closer emotional contact.

Manifestly, this is a psychoanalytic interpretation invented by her psychotherapist (Gunnel Ageberg). Hence, Graziella's semi-testimony proves (a) that some constituents derive from external influence; and (b) that she is prepared to advance deliberate untruths about her father.

The first defence counsel drew the indisputable conclusion that, if this is true, the girl must have discussed the abuse with her father rather recently. It is strange that she had neither any recollection of the time nor the context of his statement or of any assault apart from the last two.
930905 she had "an inkling that something might happen", but did *not* consider the possibility of a sexual assault.

§299. During the interrogation 931201 (with the 77 suggestive attacks) she was not asked to describe an occasion when she kicked and screamed. Nor was she asked whether such an occasion had occurred during the same year; etc. However, preventives were discussed. When she was manifestly infatuated with Raymond, her father suggested that she started to take birth pills. If this is true, the idea must certainly have occurred to her that her father was a magnificent hypocrite, and that quite different motives were concealed behind his suggestion. It did not. And the police officer cautiously steered around the inconsequence.

§300. From the moment Graziella retracted the allegation, she was taken away to another family. Apart from teenagers of her own age, she was prevented from having any contact with any other people, than those who actively worked against her father. She was never permitted to see her mother without, and hardly even with, supervision. One of the social secretaries drove her to and fro school (2×40 minutes a day), and thus had some 5 hours a week of non-documented talk with her in the car.

Nonetheless, the judges concluded that Graziella's retraction was the result of undue external influence, while she had never been exposed to any external influence aiming at making her stick to or return to the allegation.

Chapter 40
The Role of Graziella's Boyfriend

The devil is an optimist if he thinks he can make people worse than they are.

Karl Kraus

§301. Over and over again I have emphasized the value of disclosing, explicating, juxtaposing, and analysing the temporal relations.

931130: Graziella retracts the allegation to her psychotherapist Gunnel Ageberg.
931201: That police interrogation takes place, in which 77 suggestive attacks are fired at the girl (cf. §282)
931202: The social agency reads in the newspaper that Graziella had retracted.
931202 (=the same date): the incest group has a meeting to agree on the policy for making Graziella return to the allegation. [Concerning the nature and function of the incest groups cf. §240.]
931202 (=the same date): a promemoria is sent to the police by fax (by mistake it is dated 931203).
931203: The social secretaries (Lindqvist & Roos) go to Graziella's home. She refuses to revert to the accusation.
931203: The social secretaries go to Raymond. Their aim is to use him to blackmail Graziella. They do not find him at home.
931206 (Monday): The social secretaries find Raymond at home. They threaten him with prosecution and prison unless he joins them. Raymond surrenders. The social secretaries take Raymond to Graziella's home, where they threaten her and make her surrender.

The promemoria starts with a flood of the classical persuasive devices. The very topic which caused the writing to be produced, is not mentioned until the 41st line.

§302. I shall quote a section from the case-notes of the social agency 931206:

> "Visiting Raymond in his home. He recounts that Graziella had retracted her allegation against the father and [also retracted] sexual intercourse [with Raymond] in order to protect Raymond from prison. The fact emerges that [Graziella's mother] had talked to both of them and had told that the prosecutor had already decided to try Raymond

> of sexual abuse of a minor. The charge may lead to a prison sentence. A few weeks after the conversation with the mother, Graziella told Raymond that she was planning to go to the police and retract everything. She also told Raymond to say he had lied in the [district] court. *Raymond requests a written assurance FROM THE SOCIAL SECRETARIES that THE SOCIAL AGENCY will not report him* [*to the police*] *because of the crime. THE SOCIAL SECRETARIES write a document containing such a promise. AFTER THIS RAYMOND RECOUNTS THINGS PROMPTLY AND WILLINGLY, and is resolved to stick to the truth*, and realizes that he is giving Graziella the best help by so doing."
> [Q-302:1]

If *Graziella's mother* was the one who had threatened Raymond, *why* would he want a written and manifestly worthless assurance from *the social secretaries*? Why would they give him one? Why would he feel safe after having got the document? Why would he afterwards be cooperative with these persons, and stick to what they call "the truth"?

People may try to conceal the truth by means of deletion, addition, displacement, reduction, amplification, and other lying techniques. But their distortions are often so clumsy and inconsequent, that the authentic state of things shines through and may be retrieved with certainty. It is not a hypothesis but a deductive conclusion that the social secretaries were the ones who had threatened Raymond with prison.

§303. Still on the same date (931206) the case-notes state:

> "Visit in Graziella's home together with Raymond. Graziella *gave in* and told she had lied during the last days." [Q-303:1]

The expression "gave in" is remarkable.

Graziella once more reverted to the truth, and once more was blackmailed. On the second occasion several meetings took place at the prosecutor's office. It is no longer a riddle why Graziella denied sexual intercourse with Raymond, whenever she denied sexual intercourse with her father.

The mother took a neutral attitude in the beginning, and did not know whom to believe. In the district court she had decided to believe her daughter. There are witnesses that she almost caused an accident, when Graziella in the car told her that she had lied. Hence, it is a bold untruth that "The mother has after the arrest of the father caused Graziella to live an existence of lies. The social secretaries think she is exposed to strong pressure from the mother, which she is not able to resist."

The *documented* contrary pressure from the authorities constitutes only a small fraction of the real pressure. In §300 we noted one - and only one - of the sources and means of pressure to make the girl revert to the false allegation.

§304. Raymond was in a difficult situation. The prosecutor in collaboration with two social secretaries had threatened him with prison,

unless Graziella stuck to her accusation and Raymond supported her version by committing perjury. But the prosecutor left Raymond to improvise the details, and this task exceeded his capacity. Secondly, Graziella repeatedly changed her mind on both important and non-important details. Consequently, Raymond was visibly unsure as to which details he was requested to confirm at different times. Third, he was very fond of Graziella, but she had a strong will of her own. The risk was overwhelming that he would lose her, if he contradicted her instantaneous versions.

Objectively, his testimony throws no direct light upon the accusation. But the Court of Appeal accorded great evidential power to the “fact” that he had confirmed that the girl had confessed to him. - Now, even if Graziella's confession 930906 be true, its evidential power would be null and void. Cf. also another Court of Appeal on Violet's pre-arranged confession to her future husband (§130). But Graziella's confession three weeks earlier is obviously retrospective fiction.

By contrast, Raymond's testimony is illuminating as regards the hidden intrigues, and likewise as regards the low capacity of the court for logical reasoning. Raymond and the prosecutor were perfectly aware that both were lying. Raymond was requested to answer a series of brutal questions about *what* Graziella's mother had threatened him with, and *when*, and *in what situation* and *what other persons were present*, and *WHAT GRAZIELLA'S MOTHER HAD DEMANDED IN RETURN FOR NOT REPORTING HIM TO THE POLICE* (viz. that he should change his information at the police interrogations and in the district court).

§305. We should not underrate the possible long-term effects of Raymond's experiences with the legal system. He has learned that criminal behaviour is not restricted to those groups he had hitherto conceived of as criminals. During his testimony he tried to avoid lying as far as possible, by means of “don't know” and “don't recall” answers. Again and again, the prosecutor repeated the question with increasingly more aggression and increasingly more details. Raymond sometimes gave a passive assent. He was, inter alia, made to confirm that Graziella after EACH of the last two acts confessed to him that she had been RAPED by her father. (The judges did not notice the inconsistency with Graziella's own abuse versions.) Raymond claimed not to have the slightest recollection of the time of his girlfriend's first confession. At the *second* confession he “SELF-EVIDENTLY” asked her *who* had raped her (as if this would not have been obvious on the basis of her first confession). But a few minutes later he claimed not to have asked her any questions at all.

Chapter 41
Suzanne Insulander's Manipulation of the Facts, and the Contributions by the Other Experts

> *The trial itself*
> *was shot full of legerdemains, prearranged to lead*
> *the jury astray.*
>
> Maxwell Anderson

§306. I need ask for the reader's patience because of a number of apparently inapposite digressions. The formal aim of the court is to restrict the procedure to two problems: is the defendant guilty? And if so, what punishment does he deserve? Most of what is said during the proceedings is irrelevant to both problems. However, judges may forbid *relevant* questions, if they cannot detect the relevancy.

From the point of a witness psychologist (or a textual analyst), it may be a highly illuminative fact if the amount of details may markedly increase *or* decrease at the transition from “irrelevant” to “relevant” topics. In other words, “irrelevant” topic may be highly relevant. Consequently, the witness psychologist must be free to devote any desired time to any topic without challenging the patience of the judges.

The interview must be audio-recorded for later documentation. But the interview itself must be conducted in seclusion. External persons, in particular hostile ones, should not be present. A few generations ago a married man suspected of murder might during an interview suddenly feel uneasy because he had slept with another female. He might not want a larger auditory to know about it. He might not be sure whether judges or jurors are gossip mongers who take for granted that anyone capable of adultery is capable of murder. He might tell the truth to a single psychologist, who might not without necessity pass on the information.

Genuine witness psychologists are not infallible (as we shall see elsewhere). But they are eager to maintain their independence. An attorney might order an investigation, and he might conceal the latter if the result is unfavourable. But he could hardly find a genuine witness psychologist whom he could trust to support his view.

§307. If we compare this pattern with the procedure applied by the witness-psychologist in the case of Graziella, three oddities come to light. According to the law (which the Supreme Court chose to disregard), any of them is sufficient to invalidate the judgement by the Court of Appeal.

(a) Suzanne Insulander had not performed her investigation prior to the proceedings. *She conducted the interviews within the courtroom, in the permanent presence of no less than 14 individuals: herself, five*

judges, the secretary of the court, the prosecutor, the i-p-lawyer, the injured part, the defendant, the defence counsel, and two prison guards.

(b) WHILE CONDUCTING THE INTERVIEWS THE PSEUDO-WITNESS-PSYCHOLOGIST WAS SITTING AT THE JUDGES' SEAT, NEXT TO THE OTHER JUDGES. The defendant, who was not familiar with the legal system, did not know that he was not asked the questions by one of the judges and, hence, whether he was in some sense obliged to answer them. *After having conducted the interviews, Insulander went to the witness-box and testified under oath.*

(c) She had in advance produced a written report, and had in advance handed the latter to the prosecutor. *But she handed it to the defence counsel immediately before delivering her testimony. He had to read and ask at the same time.*

By accepting such transgressions, the five judges proved what kind of a trial they themselves conceived the case to be.

§308. A competent attorney would not have accepted such things. He would have lodged a challenge against all five judges and requested their substitution. He would have had a fair chance of succeeding. He would also have requested that the pseudo-witness-psychologist be expelled as a court-appointed "impartial" expert. She should only be permitted to testify as the prosecutor's expert.

Despite the extensive number of errors of legal procedures and despite the extensive written justificatory reasons for acquittal written by one of the judges, the father's first attorney did not even appeal the judgement to the Supreme Court.

§309. In her written investigation on Graziella, Insulander described a wealth of extremely extraverted properties. The reader will easily recognize the pattern from chs. 16f.:

> "On different occasions [Graziella] has supplied completely opposite accounts. Each time she asserted that exactly this version is the true one. She is capable of looking the interrogator right into her eyes and swear that she is telling the truth - despite the fact that it is a flagrant fact that one of the versions must be incorrect. [...]
> Feelings of remorse because of previously provided information which she later asserted to be lies, are faint.
> Regardless of which version Graziella asserts at this time, she is living the part of this narrative, with all the details, temporal information, vexation etc. which belong to the latter [...]
> She has demonstrated that she is capable of advancing an untruthful story without emotional reactions which reveal that she is not telling the truth." [Q-309:1]

But Insulander did not understand what she observed. She re-interpreted these traits as psychoanalytic defence mechanisms. This is an insinuation that they were caused by sexual abuse. Psychotherapy based upon such a diagnosis might seriously harm the girl. It will encourage those traits which

she most of all need conquer.

The very same pseudo-witness-psychologist who produced Q-309:1, *proved* that Graziella had told the truth, from the following statement in the district court, emitted while she was crying:

> "I am telling the truth and would never be able to lie about such a thing. Everyone knows that I still like my daddy." [Q-309:2]

We have observed the enormous persuasive effect of *twin lies* (cf. ch. 12), and this formulation is indistinguishable from such devices. - Other postulated proofs of truth are that Graziella is capable of supplying a detailed account; and that she did not feel angry while accusing her father [a typical reaction among extreme extraverts].

There is nothing remarkable about an extremely extraverted girl making her sexual debut at 12, and frankly telling schoolmates about it. - Graziella's thefts are not very noteworthy, but so is her capacity of flatly denying them with the most honest and open-minded facial expression.

§310. Insulander took the father's guilt as an aprioristic axiom. Both she and the judges were perfectly aware of the numerous and gigantic contradictions of Graziella's account. They also understood that contradictions of that size are not found in accounts by non-psychotic genuine incest victims. *In order to achieve a false conviction, Insulander applied two contradictory legerdemains. On the one hand, she maintained that Graziella's abuse versions were non-contradictory. On the other hand, she devoted no little labour to the task of explaining away the contradictions.*

Graziella's repeated application of *the hooking onto technique* was "re-interpreted": she eventually told things which she had originally intended to conceal. Her inability to answer questions which would have been elementary to any genuine incest victim, was "re-interpreted": she was perfectly capable of giving satisfactory answers - only, she didn't want to.

No one asked Insulander for clarification. Had Graziella originally intended to conceal that she had seen her father having an ejaculation? The claim that daddy had raped her since she was 10 years old is found on *page 7* (*seven*) of the interrogation 930923 but completely forgotten on *page 30* (*thirty*). Had Graziella *not yet on p. 30* planned to speak up - while she *afterwards* changed her mind and *already on p. 7* told the secret? The reader may try for himself to apply Insulander's principle to the examples supplied throughout the present book.

§311. Incredibly, Insulander advanced Graziella's *superior verbal capacity* as a proof that she told the truth. This idea was mechanically plagiarized by the four judges.

If (as Insulander claims) the fact that an account is detailed, vouches for its being a true description of an authentic state of things, then the empirical truth of Dante's *Divine Comedy* and Jules Verne's *Journey to the*

Moon would be firmly established.

A further proof was supplied by the pseudo-witness-psychologist and copied by the judges: an account is true if it is capable of resisting attempts at changing it. - The criterion itself is invalid. And Graziella's account is the very opposite of permanent over time. Flagrantly, she was unable to resist attempts at further elaborating the allegation. Besides, *what person(s)* have ever tried to make her renunciate the abuse versions?

§312. Both the pseudo-witness-psychologist and the school welfare officer (Mona Casén) are in a very cheerful mood during the proceedings. Repeatedly, they are laughing heartily. (At least Insulander is extravert; do both demonstrate the extraverted insensitivity of suffering?)

Graziella told Casén about the abuse for the first time 930908, that is, two days after she told her female schoolmate. Casén testified that she immediately *930908* concluded that the allegation was true. Asked what was the reason for this conclusion *made on September 8th*, she answered that it was the fact that two months *later* Graziella had not retracted the allegation.

This trick is recurrent. It was applied also by the clinical psychologist Lena Nordenmark in the case of Odenmark described in Scharnberg (1993, I, ch. 28).

§313. In §§240ff. I described the composition and function of the incest groups. Likewise in the case of Graziella, the police and social investigation were primarily performed by exactly the same persons who participated in the incest group: Mona Casén (school welfare officer), Eva Lindqvist and Gunborg Roos (social secretaries), Gunnel Ageberg (psychotherapist), Maria Ahlabo (police officer). The meeting took place 930920. At a time when nothing had emerged except an abstract allegation, all these persons took a firm stand as to the question of guilt. They also made up detailed plans as to how to proceed in order to have the father convicted. These plans are described in the case-notes 930926.

When Graziella retracted the allegation 931201, the incest group had a meeting 931202. Among all the above names, only the school welfare officer was missing. At that meeting, the blackmailing plan was invented and accepted by all the participants.

Chapter 42
The Deductions by the Court of Appeal

Judges are quite good at writing around the weak spots in their stories. Those who deal in gossip are better than most.

Jody Powell (slightly modified)

§314. It is not the habit of the courts to conclude that an individual did not commit a bank robbery, sexual abuse etc., on the ground that no motive for the act could be found. But if a motive cannot be found as to why a girl would lie, this is taken to prove that she had not lied.

I have *never* encountered a case where the police, the prosecutor, or the judges had done *anything* to find even those motives which are right under their nose. Extremely few Swedish defence counsels will look for them, and the authorities will eagerly try to obstruct their effort.

§315. Graziella refused to say anything in the Court of Appeal, and she has never been interviewed by Insulander. Nonetheless, her semi-testimony in the district court "*deserves complete credence"* (according to the Court of Appeal) because (a) they are extensive and detailed (?); (b) "*in themselves bear the stamp of probability"* (!); (c) "it is a kind of events *WHICH CANNOT BE DESCRIBED BY ANY 14-YEAR-OLD GIRL WHO HAS NOT EXPERIENCED THEM HERSELF"*.

Her account is said to be true because (d) it is detailed, coherent, and gives the impression of authenticity; (e) she stuck to it during the cross examination; (f) she said she was unable to lie about such things; (g) she has a good verbal capacity; (h) Raymond confirmed that she had confessed to him twice; (i) four members of the incest group had testified that they "believe" in her allegation; (j) the video-recorded police interrogations 930923 and 931006 *HAVE BEEN PERFORMED IN A HIGHLY COMPETENT WAY* (!); (k) Graziella *ACCORDING TO INSULANDER* (!) *TRIES NOT TO ANSWER SUCH QUESTIONS WHICH SHE CANNOT ANSWER*; (l) she cried in the district court *BECAUSE* (*note that the court takes the etiology as a proven fact*) she was "confused" by the questions of the defence counsel.

Many of Insulander's pseudo-arguments are almost literally plagiarized. It is the appropriate expression from the scientific point of view, that all the justificatory reasons cited above and below, belong in the context of sewing circle gossip and beer-house talk - just like the ones quoted in §147.

§316. One additional proof. The father had a large enterprise. He was by the prosecutor strictly isolated because of blackmailing purpose. He would be ruined in a very brief time, if he could not give his wife instructions

about how to manage the firm while he was away. He was offered to give his wife such instructions in exchange of a signed confession. In full knowledge of how the paper had been produced, the four judges saw a genuine proof in the latter.

Chapter 43

The Supreme Court Rejected the First New Trial Motion Without Having Read It

> *I understand by this new word "judicial murder" the murder of an innocent person, even with all the pomp of the holy administration of the law, committed by people whose task it is to guard that no murder will occur or, in case it should happen, that it will be punished in an appropriate way.*
>
> Ludwig von Schlözer (1783)

§317. According to the judgement by the Court of Appeal: *It would have been MORE EASY to assess WHETHER the allegation is true OR false, if Graziella had only advanced ONE version. The task is made MORE DIFFICULT because she has advanced TWO OPPOSITE versions.*

Whether a task belongs to scientific methodology, common sense inferences, judicial deductions, or any other rational endeavour, it is invariably the easier task to assess the truth value of a circumstance, if there are more than one version. In particular, it is so if the versions are heterogenous. We are here confronted with a logical error which four judges could not have committed in good faith. What they really meant, is this. If Graziella had stuck to one version, the court could have convicted her father as a matter of routine, without bothering about the question of guilt. But two opposite versions prevent this preferred solution.

§318. The analogous logical flaw was made by the judge of the Supreme Court Inger Nyström (1993, 1994). She has repeatedly propagated for seemingly petty modifications of the legal procedure. But their common denominator is to raise further obstacles to acquittals of innocent defendants. E.g., there should be only one expert witness in a trial, and the latter should be appointed by the court not the parties. This would guarantee impartiality and objectivity. If there is only one expert, the judges will have no difficulty in assessing the evidential power of his testimony. The recurrent pattern of two expert witnesses engaged by the parties and advancing opposite claims, *will confuse the judges, who do not know whom to believe*.

Judge Nyström cannot forbid "undesirable" testimonies. But she may stimulate the courts to take no impression of them.

Objectively, *it is invariably easier to evaluate two opposite investigations, than one single investigation. Whoever is incapable of assessing the truth value of two opposite investigations, and is confused by them, is incapable of assessing the truth value of one single investigation.* Besides, it is the obligation of a Swedish court to make an independent

assessment of all evidence including expert testimonies.

We shall return to this topic in chs. 112-116.

§319. As for the empirical aspects: no Swedish instance of "the recurrent pattern" seems to exist. Questioned by several persons, judge Nyström has been unable to indicate any case.

She was also aware of the many cases of court-appointed expert witnesses having produced grossly false investigations, which had lead to manifestly false prison sentences; while experts engaged by the defendant had achieved objective and valid results, which the courts eventually had to acknowledge. Some of these cases are described in *the sixth book*.

In Sweden, expert witnesses engaged by the defence are usually highly objective. They are forced to weigh their evidence and conclusions carefully, because they are seen with suspicion. The objectivity of court-appointed experts is taken for granted, whence they may lie with impunity. Moreover, good relations with the prosecutor will facilitate being appointed by the court in the future. The prosecutor has many more ways than the defence of influencing what expert the court will select.

Courses on sexual abuse of children have been conducted by Judge Nyström together with the Monica Dahlström-Lannes (until recently the leader of the incest craze within the Swedish police), and Kari Ormstad (who had produced false somatic evidence in more trials than any other doctor, cf. *the sixth book*).

The psychiatrist Frank Lindblad and the psychologist Sven-Åke Christiansson are proponents of recovered memory therapy and have defended Lenore Terr's contributions in the Paul Ingram case. Nyström, Dahlström-Lannes, Lindblad and Christiansson are presently working with the establishment of *permanent networks* of psychiatrists and psychologists, closely associated with the prosecutor. Only experts belonging to the network should be permitted in or taken seriously by the courts.

§320. Nyström is one of the judges who handled the new trial motion in the case of Graziella. The facts included in the present report only constitute a small selection of the facts presented to her and her co-judges. I am not the only expert who made an investigation, and I have not done justice to the contributions by the others or by the new defence counsel.

There are two aspects whose importance cannot be exaggerated.

§321. The Court of Appeal had stated 25 justificatory reasons, and had explicitly claimed that the defendant was convicted *because of these and no other reasons*. That is, the court had explicitly pledged itself to the position that, if these reasons had not pertained, he would have been acquitted. The structure of the judgement is of the following form: "*Because of JR-1 & JR-2 & JR-3 & ... JR-23 & JR-24 & JR-25, and because of no other reasons, we convict Graziella's father.*"

In the present context, it is irrelevant that it is not made clear whether various subsets would likewise have been sufficient for a conviction.

In the new trial motion the defence proved that not a single one of the

justificatory reasons corresponded to the true state of things.

The Supreme Court answered - by a slip of tongue? - that even if the Court of Appeal had known this, the court would have convicted the father anyway.

The implication is that the judges lied about their justificatory reasons: the latter were no more than pretexts for making a subjective feeling look like a logical deduction.

§322. Now to the second cardinal point. Any person who has read the fifth book will have learned that I claim that Graziella was blackmailed into returning to the allegation; that her abuse versions are highly contradictory; that Insulander's so-called witness psychological investigation is a parody on witness psychology; and so on. The reader may deem the evidence to be insufficient. But the reader could not legitimately deny that these are the claims MS had actually advanced.

It is strictly regulated by Swedish law what may be invoked as a reason-for-a-new-trial. If a new trial motion does not contain any of the permissible reasons, it is immediately rejected. If it does, the Supreme Court must decide whether they are true and whether they are sufficient.

It is in accordance with the rules that the entire new trial motion in the case of Graziella was first read by a judge referee (who has no vote). He wrote a proposal for the decision by the five voting judges. The law requires that all six judges are familiar with all the documents of the case.

§323. *The judge referee (Johansson) managed to overlook each and all the reasons-for-a-new-trial advanced in the new trial motion. He also managed to impute upon the petition an imbecile reason which is nowhere stated in the document* (viz. that the father should have a new trial because a specific police officer had been disconnected from the investigation). This distortion might not have been a deliberate attempt at compromising the defence team. However:

Each and all the five voting judges (Vängby, Jermsten, Nyström, Danelius, Lennander) managed to do exactly the same misreading as the judge referee: to overlook all the real reasons-for-a-new-trial, and to "perceive" a purely imaginary one. Thereafter, they decided that Graziella's father should not have a new trial, because the imaginary reason-for-new-trial was not sufficient.

§324. Most readers will probably agree that the kinds of arguments presented throughout the fifth book are not of a variety which a judge of the Supreme Court would be inclined to forget very soon. But a few weeks after the decision judge Vängby was interviewed by a journalist (Hedlund, 1994). Vängby assured that he had carefully scrutinized all the documents. But he had completely "forgotten" whether the new trial motion comprised 5 or 50 or 500 pages. Likewise, he was unable to recall any single detail or argument from the petition.

The only hypothesis which will hold water is, of course, that *none of the five voting judges read any part of the documents*, and that the judge

referee read only a small part.

There are strong signs that exactly the same thing happened with the first new trial motion in the case of Betsy. But this is the first time that the judges were caught in flagrante delictu.

Sixth Book

Somatic Injuries And Signs, And “Incest Symptoms”

Chapter 44
The Case of the Lost Spermatozoa (Vanessa)

It may be they were forged.
But will that matter, Mary, if they're believed?
Maxwell Anderson

§325. Many judges and other people think that, if somatic injuries or other clear-cut signs are observed in the private parts of a child or a teenager, then there must be some truth in the allegation. But more than anywhere else we may here observe that *the courts are incapable of distinguishing genuine evidence from sham evidence. The sheer number of pieces of evidence may be decisive, but their quality is of little significance.*

More often than not, the claims by child gynecologists and child physicians are pure guess work, subjective prejudices, or attempts at assisting the prosecutor. There are quite a few medical experts who are deliberately forging evidence. They may rely on the fact that there will generally be no one in the courtroom who is competent of exposing them.

Totally objective and totally subjective circumstances may combine in ways not easy to disentangle by layman. This pattern is aptly illustrated by the Swedish #cutting-up trial#, where two medical doctors were convicted of having performed a sexual desecration of the corpse of a prostitute. An important piece of the evidence consisted of the location at which the head had supposedly been separated from the torso. Criminological institutes in two countries agreed that only a highly skilled surgeon would have managed to perform the separation between the sixth and seventh vertebrae without damaging the latter. This circumstance severely restricts the circle of potential offenders.

But one - *note, only one!* - of the institutes added that there is no evidence that this is what happened. The head was never found. Consequently, a layman might have separated the head between the fifth and sixth vertebrae, and have damaged both. And *this* could just as well be the reason why the seventh vertebra was intact.

§326. Born by Non-European immigrants, Vanessa suffered from a hereditary underfunction of the thyroid gland. Although she was given a daily dose of the missing hormon, she suffered from a severe constipation. Possibly because of the mass media campaign, the parents (Harry and Ilona) suspected that someone at the day nursery abused their daughter. They jointly requested a gynecological examination under anaesthesia. The latter was performed by three doctors when Vanessa was 22 months old, and repeated six weeks later. Two of the doctors, Barbro Wijma and Anna

Kernell, are reckoned among the foremost experts of the country. They found many unambiguous signs of sexual abuse. Without any evidence as to the identity of the offender, they concluded that he was the father. He was sent to jail for three years.

The evidence consisted inter alia of (a) the child's constipation; (b) around the anus: fissures, scars after healed fissures, reduced subcutaneous fat, and a ring of pressure marks and visible underlying veins; (c) an enlarged vaginal opening; (d) vaginal discharge; (e) a fresh rupture on the hymen; (f) a drop of male semen. The drop was analysed in the laboratory. It turned out to contain a few hundred spermatozoa.

What more could one wish for? I shall start with scrutinizing the strongest evidence.

§327. If Harry was guilty, he did his best to provide foolproof evidence against himself. Under some resistance from the police and the prosecutor he had a decision made to perform a DNA analysis of the spermatozoa. Such an analysis could at that time not be performed in Sweden. A specimen was sent to a laboratory in the USA. There exist three different versions from the Swedish authorities as to what happened with this specimen, and for six years they have concealed which one is the true one. (Not even the Medical Responsibility Board requested any information, when the Board later handled the case.)

According to a letter from the director of the laboratory, the specimen never arrived. The second version is that the specimen arrived in a satisfactory condition, but that American law forbade such a test on foreign specimens. The third version is that the specimen was by a mistake opened by the customs and, hence, arrived in such a condition that the test could not be performed.

After this failure, the remaining part of the secretion was sent to a British laboratory. But the latter could find no trace of spermatozoa. The answer speculated that the semen might have been handled in a faulty way in Sweden. I myself wrote a letter to the laboratory and asked the simple and easily answerable question whether the observations are compatible with the hypothesis that there were actually no spermatozoa in the specimen. I received a trite note which I can only so interpret, that the laboratory did not want to compromise its customer.

And then all the secretion had gone.

§328. Immediately after it had been obtained from Vanessa, it was sent to a Swedish fertility laboratory, which had never before been involved in criminal cases. Three doctors investigated the secretion under the microscope. None of them could detect any spermatozoa. This is a crucial fact, because spermatozoa are very easy to detect, if there are any. Later, the doctors coloured the secretion with a brush which had previously been used for colouring genuine specimens of male semen. They took a new look under the microscope, and now there were really some spermatozoa, albeit a perplexingly small number.

Why was this number perplexingly small? The father's semen has been tested, and one ejaculate contains 295 million. Only a few of them might have survived in Vanessa's vagina, if the assault had occurred some time ago. However, Kernell testified that, from her place behind Wijma, she could with her naked eye see a large drop in the child's vagina, which was transparent and looked like male semen. It is this drop which was secured and eventually sent to foreign laboratories.

§329. Such a concentrated drop of semen could only be found, if the sexual act had been performed during the very last hours before the examination. But Vanessa had been confined at the hospital for at least 17 hours. During a period of 8 additional hours, Harry had the opportunity only when he fetched the child from the day nursery and brought her home, knowing that she would two hours later go to the hospital. If the police had shown a minimal interest in performing an objective investigation, and had asked the mother immediately, she might have known and perhaps been able to certify exactly how many minutes Harry and Vanessa had been underway.

Suppose the sap was rising and that Harry could not resist, although he knew that a gynecological examination was impending. Why did he not use a condom? Why did he not try to clean the child's vagina with his handkerchief? Why did he not take the daughter on a trip for a few days, until the most flagrant evidence had vanished?

Summing up: if Harry had produced the semen, the latter would after 19 hours not have remained in the same location. If a large drop consisted of semen, it would not have contained a few hundreds, but tens of millions of spermatozoa. If there had been any spermatozoa in the secretion at the first time it was observed under the microscope, they would have been visible. Additional but not equally conclusive support is provided by the fact that the British laboratory was unable to find any DNA from spermatozoa.

Vanessa suffered from vaginal discharge. But there is no information in the case-notes about the degree of watery consistency of the latter.

§330. The district court appointed a medico-legal doctor as the impartial expert of the court. He knew nothing of such things, and simply believed the words of the three examining doctors and the leader of the fertility laboratory. He even believed that the constipation - a highly frequent ailment in hypothyroidea - was caused by anal sex.

We cannot be sure that the accidents about the specimens sent to the USA and Great Britain, were really accidents. Since no other male than Harry could be suspected, a total of six medical doctors would be severely compromised, if it turned out that "the semen" consisted of ordinary vaginal discharge.

The idea that spermatozoa were really present, *can* be upheld by a host of ad hoc hypotheses. Perhaps the drop was vaginal discharge, but Harry had really left an ejaculation one week earlier. Perhaps the three doctors had an eye defect at the first observational occasion, but not at the second. And so on.

There was at least ten non-overlapping categories of evidence. None of the remaining ones can be upheld by any construction.

In the court Kernell testified that Harry had with absolute certainty produced a full intromission. Afterwards she was informed of Wijma's view that Harry had masturbated on the outside and merely squirted the semen into the vagina. She immediately retracted her former version and joined Wijma's idea. The judges did not detect the volte-face.

§331. According to the testimony of Wijma and Kernell, Vanessa had a vaginal opening of 15 mm; and all the literature the doctors had collected throughout the years agrees that this is a sign of sexual abuse. The court did not detect that Kernell indicated 4 mm, Wijma indicated 10 as the maximum, according to the very same literature.

A strategic pseudo-argument is involved: a confusion of the *stretched* and *unstretched* measure (I shall carefully avoid technical terms). The 15 mm is *the stretched measure*, moreover *under anaesthesia.* The 4 mm is *the unstretched measure,* and *without anaesthesia.* Comparing stretched and unstretched measures is a device of deliberate deception. At that time nothing but unstretched measures without anaesthesia could be found in the literature.

The unstretched measure under anaesthesia was 10 mm. In the court Wijma supplied a physiological explanation as to why anaesthesia could not possibly have enlarged the measure. *But she herself had written in the case-notes that it is impossible to decide whether 10 mm exceeds the normal range, BECAUSE of the anaesthesia.* Obviously, she did not fear that the attorney would bother to procure the case-notes, or to ask an expert of her own, or check the invoked literature.

One week later the unstretched measure without anaesthesia was found to be 5-8 mm (the amplitude might derive from the child's movements).

Two outstanding gynecologists have later studied the case-notes and examined Vanessa's sex organ, respectively. Both of them agree that nothing unusual can be found.

§332. Kernell repeatedly claimed that she had before the trial "prepared herself well by reading the literature". This is a typical twin lie, with its enormous persuasive power (cf. §78). The alleged large amount of literature turned out to consist of a total of two papers: Berkowitz (1987) and Cantwell (1983). Berkowitz merely states that "*some* investigators, however, *maintain* that a 10-mm hymenal orifice in a prepubertal child is abnormal and conclusive of vaginal penetration" (p.284, italics added). She claims that the measure is highly variable, and that an enlarged opening should never per se be taken as an indication of sexual abuse. Nor does Berkowitz claim that vaginal discharge is a sign of sexual abuse. She merely states that when a child is examined because of a sexual suspicion, it should be ascertained whether the child has vaginal discharge. (Wijma, Kernell and the third examining doctor had even seen evidence of sexual abuse in the strong repulsive smell of urine from the Vanessa's sex organ.)

Cantwell claims to have carefully studied the literature, but to have found no information on the measure of the vaginal opening. (The below mentioned book by Huffman et al. would be hard to avoid unless one was extremely careless.) She supplies the figure of 4 mm, and claims to have found that 74% of the girls *up to and including the age of 12* whose measure exceeded 4 mm, had been sexually abused. (Lindblad, 1989a, whom we shall meet repeatedly in *the tenth and eleventh book*, "improves" the figure to 82%.)

Cantwell's result is impossible. Huffman et al. (1981) gives the following figures: 0-2 year = 5 mm, 7-9 year = 7 mm, 11 year = 10 mm. These are *mean values*, and no information is provided as to how much greater a normal measure might be. Little was known at that time, and a wealth of contradictory measures were stated in the literature.

§333. This family did not have modern North-European hygienic standards. The child would sometimes wear the same napkin from early morning until night. She would sometimes defaecate; her faeces would dry up; she would urinate whence the faeces would become soaked and soft; and then she would scratch herself. The mother had repeatedly had to clean her vagina from faeces with earsticks. She swears she had never used her fingers. But there is no reason to believe her, considering the limited efficacy of earsticks and her fear of criticism from the authorities.

Such a treatment might enlarge the vaginal opening. There would also be a risk of causing petty ruptures on the hymen (which would soon heal up). In fact, Wijma's testimony involved that it *is* possible to produce ruptures by gynecological instruments (though the scar referred to an event older than the first gynecological examination).

Berkowitz (1987:278) also writes: "A girl who is inserting tampons may induce hymenal changes indistinguishable from those associated with sexual abuse."

§334. Wijma testified that the bowels were full of very hard faeces at the first examination, but contained only a small amount of soft faeces at the second one. This is what should be expected if the hard amount (which had also been soft) had recently been emptied. But Wijma saw in the pattern a proof that the constipation had healed up. - Apart from other flaws: if the anal symptoms *could not* have been caused by the constipation, then it is irrelevant whether this symptom had healed up. Moreover, Kutchinsky (1991:12) notes that an adult penis in a two-year-old child's anus will usually produce no signs.

At the beginning of her testimony, Wijma said it was "absurd" to try to explain Vanessa's anal symptoms as the result of constipation. They could only derive from anal sex. But a few minutes later, she produced an alternative hypothesis, spontaneously and without being pressed: anal sex had produced the constipation, and the constipation had produced the anal symptoms. In other words, the anal symptoms did not constitute any evidence at all. The judges did not detect this second volte-face.

Wijma also invoked Hobbs & Wynne (1987), the originator of the anal relaxation reflex, the crank method which produced so much disaster in Cleveland, G.B. I am not aware of any instance of constipation caused by anal sex, and it is particularly hazardous to invent such an explanation as regards a child suffering from hypothyreoidea. The mother had repeatedly cut soap into slices or rods measuring ½ × (1½ to 2) × 5 cm. She had pressed two rods into Vanessa's anus, and kept them in place by pressing her thumb against the opening. After some 15 minutes defaecation would start. Objectively, the soap treatment would be expected to result in exactly the pattern of signs observed around Vanessa's anus.

Kernell had completely overlooked the possibility of what the mother had actually done. She had seen anal sex as the only possibility. But a third volte-face took place in the court (unobserved by the judges): Kernell claimed to be an expert upon what kinds of signs can and cannot derive from soap rods (where could she possibly have obtained this knowledge?!), and that Vanessa's symptoms belong to the second category. Soap “is a matter of small pieces [...], why, it cannot change the surrounding skin”.

The adult anus has approximately the double size of that of the two-year-old. Hence, an adult would have to insert two rods of 1 × 4 × 10 cm, say, twice a week for more than half a year. Who among my readers is prepared to agree that such rods are “small pieces”? Who would be surprised if the treatment produced signs that their anuses had been “very much stretched”?

The only common denominator of this heterogeneous body of contradictory claims, volte-faces and other pseudo-arguments, was the aim of having Harry sent to prison at all cost.

§335. A host of pseudo-psychological proofs were also produced. Wijma testified that a child exposed to anal sex “won't afterwards let the faeces come out; a psychological blocking will emerge, which leads to constipation” (cf. §§95f. and ch. 81 on *the principle of similarity*). And Vanessa, who had learned from the soap treatment that protest is vainly, had been compliant at the gynecological examination. Both the parents had been “nervous”, at a time when anyone could see that a team of at least a dozen persons was participating in the intrigue. The mother stated that she was unable to sleep the whole night and did not go to her work on April the 1th. Vanessa did not arrive at the day nursery at 9 o'clock as agreed. Instead, Ilona called at 9:30. A member of the team scornfully asked whether she had overslept, and the mother's answer had been “evasive”. Harry drove the daughter to the nursery at 11 o'clock. At 2 o'clock p.m. the child was red and swollen around her sex organ, the vaginal opening was enlarged, and anal pressure marks were observed.

§336. The police and the prosecutor never bothered about the contradictory temporal relations of its narrative. Allegedly, the mother had lied when she claimed that Harry went away *just few minutes before 11 o'clock*; he had performed the assault on the way to the nursery. At the

same time, the fact that Vanessa had not come *at 9 o'clock* proved that he had performed an (*not another*) assault on that date. The third proof was Ilona's “evasive” answer *at 9:30*.

§337. The subsequent development is worth noting. Psychoanalysts and psychoanalytically orientated psychotherapists are perfectly aware of the fact, that they could never change the sexual orientation of individuals really suffering from inclinations toward children. But their failure may be concealed by sending a high proportion of innocent persons to prison and giving them compulsory or semi-compulsory therapy. With, say, 80% innocent convicts, there will be at least 80% who will not “relapse”. And then the therapists may take this figure to prove the efficacy of the therapy.

Some prison therapists are highly active in trying to influence the general opinion and increase the number of convicts. The primary person in Sweden is Elisabet Kwarnmark. Harry had the misfortune of being given her as his therapist. I have read her case-notes. The therapy primarily consisted in her depicting him as a very contemptuous individual, because he has not confessed to the crime. After a year Harry refused to go on with the treatment. The therapist revenged herself by writing to the National Parole Board that they should not release him prematurely, because he would repeat the crime.

By contrast, the prison doctor, Thomas Eriksson, has in public emphasized the marked increase of false convicts of sexual abuse. He wrote in the case-notes that Harry is innocent.

Harry could not be released until he divorced his wife. Presently, they have a normal but reduced sexual life, since they are forced to live in different apartments. Formerly, one parent might leave the child to the day nursery and the other would fetch her. At present, the mother is forced to manage all the work alone.

For years, and against Swedish law, the hospital refused the mother a copy of the case-notes about her own daughter. She did not obtain them until she threatened the hospital with a police report.

She is often crying: “They have ruined my life, and they have ruined the life of my daughter”.

§338. *The Medical Responsibility Board* (HSAN) has passed a remarkable decision upon the behaviour of the doctors. According to the decision, HSAN is exclusively concerned with the activities of doctors (and clinical psychologists) when they are making diagnoses or giving treatment. Securing (or fabricating) evidence for the prosecutor is neither of these. Consequently, a doctor has not broken the code of professional ethics, if she has deliberately fabricated false evidence against innocent people. Any clinician is free to do so.

A few years later, HSAN felt that the general opinion had changed a little. The psychologist Viveca Wahlsten-Sundelin received a black mark because of her identical contribution in the football case.

§339. Spermatozoa were in a strange way involved in the case of

Erna. One may question the wisdom of performing a gynecological examination of a 17-year-old girl because of alleged abuse when she was 10-12. What could one hope to find, except that the girl was no longer a virgin? Incredibly as it may seem, the gynecologist (Sonja Kvint) looked for spermatozoa to be used as evidence in the trial of the suspect.

Chapter 45

The Broken Hymen, the Asymmetric Penis, the Flashlight Case, the Injured Jaw, the Huddinge Case and the Södertälje Case

Even modest knowledge of geography could be a burden. Ignorance may produce illusions.
Irmgard Keun

§340. A far from infrequent genetic variant is that girls are born almost without a hymen (Huffman et al., 1981). The sex organ of a very young child may look as if a broom-stick had been pressed through the hymen. See *Figure 340:1*.

==========

Figure 340:1
This genetic variant is not extremely infrequent. The three-and-a-half-year-old girl has almost no hymen. From Huffman et al. (1981:156)

==========

Parents are usually ignorant of the detailed peculiarities of their daughters' sex organ. But when Anna Kernell detected this variant in Enhagen's three young daughters, she (and Barbro Wijma) reported "the evidence of sexual abuse" to the police, and the father was arrested for a month. The charge was however withdrawn, when more competent doctors explained the observations.

Two of the daughters were one and two years old, respectively. Kernell wrote about them:

> "A highly aberrant behaviour was observed in both children during a home visit. Inter alia, it was reported that both children had been lying upon each other, making jogging movements with their abdomen. Because of this, suspicion is instilled that the children may have been exposed to sexual abuse." [Q-340:2]

The principle of similarity (cf. §96 and ch. 81) is immediately recognized.

§341. At *The Convention of the Swedish Society of Medicine.* Wijma (1990) presented a case of diabetes, in which the correct dose of insulin was very difficult to disclose. Wijma maintained that this difficulty derived from sexual abuse.

The correct dose was likewise very difficult to determine in the case of

Erna. She started to talk of sexual abuse during spring 1991. Still in the middle of October, the doctor who treated her since she was five years old, had not considered the possibility of any connection between her illness and her allegations (and he does not seem to have taken the latter serious). But at that time Ulla Rydå met Erna a few times, and claimed that her symptoms derived from abuse. It is no far-fetched hypothesis that Rydå was inspired by Wijma's address.

A further case is presented by Nowacka & Edvardsson & Pleijel (1991). Three-year-old Kasia's hymen was broken according to a doctor selected by the Social Welfare Agency. But it was found to be intact by another doctor.

If a teenager girl - whether she be 14 or 18 - claims never to have slept with anyone else than her father, and the gynecological examination shows that she is not a virgin, a Swedish court will almost invariably take this as a foolproof sign of the guilt of the defendant.

Rand (1990:84) describes a case of visitation dispute. After the father had returned the child, the mother pressed a tampon through the hymen and went to the police with this "proof" of sexual abuse. Wakefield & Underwager (1988:184f.) note that children may be more harmed by a gynecological examination than by the sexual assault. Furthermore, 50% of a sample of children who had contracted gonococcal infections, had not been abused: veneral infections may be transmitted by a thermometer.

§342. Kari Ormstad is a medico-legal expert, chief physician and assistant professor. She is usually considered the greatest expert in Sweden of somatic signs of sexual abuse. I shall supply a selection. Four-year-old Pontus had an asymmetric penis. This variant is not very infrequent, and normal growth will restore the symmetry. But Ormstad claimed that the "symptom" derived from sexual abuse. The father might well have been convicted, if the mother had not manifested extremely hyper-aggressive behaviour in the court, where she incessantly attacked the prosecutor, her own injured-party-lawyer and the judges.

§343. In another case Ormstad showed photos of the sex organ of two-year-old *Midori*. She pointed out a white spot which "proved" that Midori had been sexually abused. The father was convicted by the district court, but got himself another attorney, who engaged a famous child surgeon. Asked what the white spot was, he answered, "This is the flashlight".

§344. What is in Sweden known as *the Huddinge case* (after the name of the suburb of Stockholm), was in Scharnberg (1993, I, ch. 31) called "Reger". Ormstad testified on the numerous "clear-cut" signs of abuse, which she and her co-worker had found in the three siblings 7-11 years old: a constriction of the foreskin (!); a petty scar on the foreskin; three healed-up fissures in the anus; knots of hemorhoidae; scar tissue and a fragile area around vagina; chronic mucous membrane irritation, growing together of the vaginal opening mouth; a somewhat enlarged opening of the hymen.

The father was sentenced to 8 years in prison. His guilt was established by both the district court (Hammendal, Andén, Gillberg, Johansson, Olsson, Plogfeldt) and the Court of Appeal (Hoff, Beling, Christiansson, Hjälm, Sköld).

The defence counsel engaged two competent doctors. Eventually the defence was supported by two further psychologists.

It is the strategy of Ormstad never to enter a fight. In a series of cases she immediately retracted her testimony when the defence counsel had called another expert. As a result, her reputation has remained unimpaired for many years. She can afford to lose those few cases. Extremely few Swedish attorneys would doubt the words of an expert with so impressive titles. They will hardly ever look for other views.

Ormstad, her medical co-worker, and the psychologist which had supported the prosecutor, switched to the other side. The Supreme Court referred the case back to the Court of Appeal, where Reger was acquitted after having been arrested for two years.

§345. According to the genuine medical experts, it is odd that the constriction of the foreskin should indicate sexual abuse. And it is commonplace that the penis of boys will catch in the zip of their trousers. This will give rise to just the variety of petty scars actually observed. The anal signs probably derive from constipation. The genital “injuries” of the daughter probably derive from jumping astride a vaulting-block or astride a cycle. Etc. The hymenal opening was not at all enlarged.

After all the evidence of the prosecutor had vanished, the greatest expert of sexual abuse with the Swedish police at that time, Monica Dahlström-Lannes (920504) asserted in public, that the *greatest* of all scandal in this field was that Reger was acquitted.

The courts - including those judges who have been eye-witnesses of Ormstad's firm assurances followed by a complete retraction - continue to appoint her in case after case as their “impartial” expert, and to send individuals to prison on her word alone.

§346. In the Södertälje-case Elvira assured the court that she had never masturbated with anything but her hands. Two of her own psychotherapists (allies of the prosecutor), admitted that she had told *them* about masturbation with various tools. No one shall ever know the complete set of such tools. But some scars were found which were not entirely trivial. Ormstad testified that there must have been some pain when the “injuries” were caused. They could only derive from sexual assaults, because no girl will ever masturbate in such a way that it hurts.

Sensitivity to pain is somewhat reduced during the ecstacy. And if the individual is in the mood, concomitant pain will not necessarily stop the pleasure-seeking activities. Quite a few examples can be found in the literature. Reich (1942:49) describes a woman who masturbated with the haft of a knife. Sometimes she would insert the knife too much, whence the exterior part of her sex organ might bleed. Bejerot (1984:184) describes a

man who masturbated with a hairpin in the hole of his penis. Such a procedure may or may not have produced scars.

§347. The importance of the following point cannot be exaggerated.

Assessment of somatic evidence should always be done in combination with the principles of the psychology of lying. One of the two most fundamental categories of lies consists of modifications or distortions of authentic situations or events. A teenager girl who deliberately advances a false accusation, will usually use for her fabrications whatever scars and injuries are already found on her body. Analogously, a revengeful ex-wife may use every real or imaginary scar or injury of her child.

Of course, a child or a teenager with an "injury" can also be abused; an asymmetric penis does not function as a kind of prophylaxis against assaults. But the insight into the conventional technique of fabrication annihilates any straightforward relevancy of such observations. It is one task to disclose "injuries", and quite a different task to show that they have any evidential power.

As regards research, Scharnberg (1984) introduced the concept "*snålskjutshypotes"*, an apt term in Swedish, which will however be awkward even in the closely related other Scandinavian languages. It means a hypothesis travelling as a free passenger, sponging upon empirical facts truly belonging to quite different hypotheses. "Methodological parasitism" is by no means identical with "spurious correlations". The latter concept (a) is a random phenomenon; (b) is a rare occurrence; (c) is impossible for a researcher to guard himself against; (d) is a well-known phenomenon among researchers; and (e) is seldom if ever mistaken for a genuine causal relation. Parasitism (a) is a systematic phenomenon; (b) is a highly frequent occurrence; (c) can to a very considerable extent be avoided; (d) is more often than not overlooked, even by psychologists whose methodological knowledge is much greater than mine; and (e) is very frequently mistaken for a genuine causal relation.

§348. Since Torbjörn Moberg has voluntarily appeared in TV, there is no reason to give him a pseudonym. The teeth of his ex-wife was of a softer substance, according to the expert dentist. She herself had chewed them to pieces. But when she falsely reported him for numerous acts of rape and physical maltreatment, she behaved like most women in her situation, viz. she presented her teeth as a proof of the maltreatment. The defence counsel did not ask an expert for information. The ex-wife was not even tried for her criminal act, but her victim was convicted. Today, the judges who convicted him (Grevesmühl, Karlsson, Bengtsson, Johansson, Arneback Persson, Olsson, as well as the judges of the Supreme Court who have four times refused to re-open the case (L.K.Beckman, Gad, Jermsten, Knutsson, Lennander, Lind, Magnusson, Munck, Nyman, Sterzel, Svensson, Vängby), are well aware of his innocence.

I take the liberty of inserting an apparent digression. According to Uno

Olofsson, a former lay judge of a Court of Appeal, it should be acknowledged to be A NORMAL CONSTITUENT of the activity of authorities (administrative, legal, and others) to commit mistakes. And NORMAL ROUTINES, a kind of a handbook, should be developed for remedying such mistakes.

§349. All the above analysed cases (except the trial of rape) are concerned with young children who made no allegation themselves, or who were influenced to say things they did not understand. We shall now turn to a case of a girl of 22, Sharon, who reported her father after he had won half a million Swedish crowns on a lottery, whereafter she got 435'000 in damages. Although there had allegedly been many acts of oral, anal and genitial sex during many years, only one single event has ever been recounted with any detail, viz. when she and her father were picking blueberries in the wood. At the first police interrogation Sharon denied that there had ever been any *oral* assaults ("No, not as I can recall."). Considering what other things she told, shyness is no reasonable explanation. Later, she claimed that the ligament of her tongue was broken at the assault during the blueberry event; an occurrence she would not be inclined to forget easily.

Her jaw would sometimes get locked. According to Ormstad and her co-worker, this is a typical effect of oral sex. They seem to be the only doctors in the world who have ever advanced this theory.

After the trial was over, it was disclosed that Sharon was at the age of 20 knocked unconscious on the street by an unknown man. She was still unconscious when she arrived at the hospital. According to the case-notes, her jaw was harmed, and it was *since this occasion* that her jaw would sometimes get locked.

§350. Ormstad found scars on Sharon's knees and the legs under the knee, some of which are "compatible" (!) with Sharon's own explanation: "on *one* occasion, when she had to stand in the dog's position on a closedly-fitted carpet during the assault, she got burns on her knees and toes". No one seems to have asked whether anal or genital intercourse was performed.

The scars belonged to three different groups which (according to Ormstad) had been produced at three different times. If Ormstad's words are translated into relevant language, two groups manifestly belong to the period after the abuse had stopped, while the third group may equally well have been produced before, during, or after this period.

If burns are to emerge during a sexual act, the female must have been pushed forwards quite a few meters. It is certainly no ordinary human achievement to cover such an extended distance. I also wonder whether a male would manage to do so without himself likewise getting burns on his knees.

As regards the three groups of scars, Ormstad admits that we shall have to explain two of the groups in different ways. Why then is it a far-fetched hypothesis that anything else than a sexual assault could have effected the

third group?

We can only speculate about the true etiology. But Sharon definitely has an extremely extraverted personality. Cf. what was said about this personality and lying in chs. 16f. (It also took her a long time to achieve control of the bladder - just like Embla.) She participated a lot in gang life involving too much alcohol, haschis, and truancy. We shall never know what gang activities could have produced the scars.

§351. Constipation was prominent at least since Sharon was 6 years old. But she claims that no assaults, whether oral, anal or genital, had occurred before she was 10. How then could the constipation have been caused by the assaults?

Ormstad and her co-worker note that Sharon visited the hospital 85 times during a period of 6 years. They list her main complaints: involuntary urination at daytime until after the age of 7; repeated urethreal infections *without any detectable cause*; recurrent vaginal ailments such as chaps, fissures and discharge, which had been caused by bacteriae (haemophilus influenzae) or fungi (candida albicans); after the sexual debut, condylom, klamydia, infection of the fallopian tube, fungus in the exterior sex organ, infection by trichomonase; irregular menstruation, (abdominal or vaginal?) pain, chronical constipation, anal fissures, haemorhoidae, allergia of the air passage and of milk, *diffuse* abdominal complaints, a psychic reaction of crisis, intentional acute overdose of alcohol and anaesthetic tablets.

The Swedish word rendered by "diffuse" might connotate either that the location or the etiology is unclear. But in particular the phrase "without any detectable cause" would seem to suggest that the entire list is a kind of insinuation about sexual abuse. *The milk allergy* might suggest a reminiscence of male semen. But I fail to grasp how infections with bacteriae and fungi are thought to interact with assaults.

§352. In Sweden, judges are permitted to perform extensive interrogation of any person interrogated by the attorney or the prosecutor, and they usually use this right. It would have been a matter of routine to expose a number of the tricks described throughout the sixth book, by simple questions such as, "Do you mean that Berkowitz and Hobbs & Wynne agree on the 4 mm boundary?"

Defendants presented with the variety of pseudo-evidence described will often try to invent natural explanations. Since they are not medical experts, and did not suspect the full extent of the forgery, their hypotheses may be more or less fantastic. But in an adequate legal system no one would request the defendant or his attorney to invent advanced medical explanations, whether of genuine or of forged observations.

Chapter 46
Dr. Bosaeus's Interpretation of Violet's Alleged Symptoms

Und der Haifisch, der hat Zähne
Und die trägt er im Gesicht
Und Macheath, der hat ein Messer
Doch das Messer sieht man nicht.
Berthold Brecht

§353. We shall see how much information may be unearthed by one single case. In her affidavit Bosaeus listed 12 symptoms of Violet's: (1) sleep disturbance; (2) nightmares; (3) anxiety; (4) headache; (5) dizziness; (6) fatigue; (7) mild fever; (8) pain in the back; (9) stabs in the breast; (10) a feeling that somebody is watching her; (11) fear that her father might suddenly turn up in the street; (12) repeated false perception for a moment of her father's car. These symptoms may be divided into four categories: general psychiatric (1-3); neurasthenic (4-7); somatic (8-9); specific psychic (10-12). Bosaeus claimed that these symptoms are typical of victims of sexual abuse. When she later had to defend herself to *The National Board of Health and Welfare*, she invoked the authority of Mrazek & Kempe (1981), Sgroi (1984), and two Swedish books, Winding (1986) and Martens (1989); but in particular, the tables of symptoms in Mrazek & Mrazek (1981:242f.).

A brief comment of Ruth Winding (1986), a clinical psychologist. At the time of the publication of her book, she was considered one of the very greatest Swedish experts. She manufactured evidence against the father of 5-year-old Anna. I have access to the transcription of the video-recorded second session described in her book. The child is for a protracted time exposed to brutal pressure, and tries to escape. Finally, Anna surrenders and obediently does what Winding wants from her: she puts her fingers into the vagina of the doll to show what daddy did to her. In the published version the entire sequence preceding the resignation is cut away. - Ten years ago the incest craze was significantly weaker in Sweden, and only two judges deemed such sham evidence sufficient for a conviction.

§354. Did Violet actually have these symptoms? Do these symptoms suggest sexual abuse? Is Violet's (real or simulated) pattern similar to the patterns in Mrazek & Mrazek's tables? Have Mrazek & Mrazek correctly cited their sources? Are their sources trustworthy? Note the *many* questions which need be answered.

§355. It is alien to Bosaeus's clinical methodology to check whether an alleged incest victim suffers from the postulated symptoms. Applying a *twin lie*, a girl who makes a false allegation of sexual assaults, may support the sexual accusation by a false allegation of symptoms. Moreover, the analysis in §§120f. has established with certainty that symptom no. 11 (S-11) is feigned. And since S-10, S-11 and S-12 form a closely knit pattern, it would

be a far-fetched hypothesis that the other symptoms are authentic. We also know from §§222 that the nightmares originated at the desk rather than in the bed. Hence, there is reason to be sceptical about the remaining 8 symptoms.

Not as a lie detector, but for a purely therapeutic purpose, it would be adequate to test Violet's galvanic skin reflex (GRS) during a guided fantasy about Georg's car. If she felt no anxiety, there would be no anxiety to treat.

A common denominator of all 12 symptoms is that they are very easy to simulate for an outpatient. Some Swedish people on holiday in Southern Europe may bribe a local doctor to write an affidavit, so that they may prolong their holiday at the expense of the social security system. I have seen some such affidavits. The similarity to Violet's first 9 symptoms is striking.

§356. But suppose Violet really had these 9 symptoms. They are so trivial that they may be observed in a wide variety of the most disparate diseases, *including the African sleeping sickness* (Bleuler, 1955a). Landis & Mettler (1964) documented their presence in most serious psychopathological syndromes. Terruwe (1960) found a related pattern among children who - just like Violet - had suffered a fundamentalist religious upbringing. Gattel (1898) explains a closely related pattern as the result of masturbation. As shown by Scharnberg (1993, II, fifth book), Freud's (GW-I:313ff./SE-III:85ff.) first paper on the anxiety neurosis is a fraud, but Freud explains the syndrome as the result of sexual abstinence (which Violet, rightly or wrongly, claimed to practice). In short, there is a comprehensive sample to choose from.

§357. Just for the sake of argument, let us suppose that Violet had the alleged symptoms, and that Mrazek & Mrazek's tables really contain symptoms deriving from sexual abuse. Are both of them similar?

94% of the table symptoms are missing in Violet, while 42-75% of Violet's symptoms (depending on the preferred categorization) are missing in the tables.

§358. Next, I shall draw the attention to a very important methodological device: *inspecting the geometric properties of the tables*.

It is by no means a universal rule that geometric presentation will reveal rather than conceal crucial information. Equally surprising things may sometimes be learned by transforming a geometric presentation into a table of (appromixate) numbers. We shall encounter such an example in ch. 125.

My re-analysis is closely related to the technique of paying close attention to *the temporal relations*.

Chapter 47

How Trustworthy are Patricia Mrazek and Her Co-workers?

Do you know what you are? You are an auditor of psychology.

James Shanteau (on MS)

§359. Ten years ago many people would suggest Patricia Mrazek as the foremost international expert. She and her husband collected 42 studies published 1932-1981 on injury after abuse. These studies listed a total of 54 symptoms, which were displayed in two tables (1981:242f.). I have combined them into *the diagram of symptoms*, Table 359:1. Some writers, e.g. Martens (1989), have noted that, in order to learn that these effects really derive from abuse, we need know also how frequent they are among non-abused children. This is true, but it is the least important objection.

==========

Table 359:1
The Diagram of Symptoms
/###lite extra text/

Ferenczi (1932)
Moses (1932)
Isaacs (1933)
Bender & Blau (1937)
Sloane & Karpinsky (1942)
Rabinovitch (1953)
Flugel (1953)
Kinsey et al. (1953)
Kaufman et al. (1954)
Landis (1956)
Greenland (1958)
Vestergaard (1960)
Rhinehart (1961)
Brown (1963)

Heims & Kaufman (1963)
Weiner (1964)
Barry (1965)
Branch & Paxton (1965)
DeFrancis (1965)
Malmquist et al. (1966)
Raphling et al. (1967)
Burton (1968)
Magal & Winnik (1968)
Lewis & Sarrell (1969)
Raybin (1969)
Forbes (1972)
Lukianowicz (1972)
Maisch (1972)
Katan (1973)
Peters (1976)
Browning & Boatman (1977)
Herman & Hirschman (1977)
James & Meyerding (1977)
Nakashina & Zakus (1977)
Rosenfeld et al. (1977)
Armstrong (1978)
Dixon et al. (1978)
Meiselman (1978)
Goodwin (1979)
Mehta et al. (1979)
Reichenthal (1979)
Steele & Alexander (1981)

Sudden rush into heterosexual activities
Increased masturbatory activity
Preoccupation with sexual matters
Depression / Chronic depression
In prepubertal stage, premature and discrepant development of adolescent interests and independence
Despair regarding the inability to control sexual urges
Bewilderment concerning social relations
Mental retardations
Pessimistic or callous attitude
“Infantile state” is prolonged or reverted to
Tendency to withdraw from activities of normal childhood

Anxiety states and acute anxiety neuroses
Promiscuity
Acting out sexual delinquency, seemingly purposeless and not enjoyed
Hostile, dependent interaction with older women
Façade of maturity and capacity for responsibility
Frightened by contact with adults
Prostitution
Running away from home
Learning difficulties
Homosexuality
Shocked by parental reaction to discovery of the assault
Aversion to sexual activity
Conflict with parents or in-laws
Suicidal ideation
Impaired feminine identification
Murder
Venereal disease
Conceiving illegitimate children
Psychosis / schizophrenia
Personal guilt and shame
Molestation of younger children / sexual molestation of child
Loss of self-esteem / low self-esteem and long-lasting sense of helplessness
Increased affection seeking from adults
Nervous symptoms, such as nail biting
Having other incestuous relationships
Character disorder
Somatic symptoms
Sexual dysfunctions, including frigidity
Other behaviour problems
Not protecting one's own children from sexual abuse
Non-integrated identity
Truancy
Sleep problems including nightmares
Unsatisfactory sexual relationships
Impulses to brutally sexual assaults a child
Homicidal ideation
Conflict with or fear of husband or sex partner
Obesity
Impulsive, self-damaging behaviour
Masochism
Pregnancy

Neurosis
Social isolation and difficulty in establishing close human relationships

==========

Table 360:1
The Diagram of Columns
(For explanation see text)

==========

§360. If a number of symptoms were recurrent after abuse, a structure would emerge akin to *the diagram of columns*, Table 360:1. At the very first glance the eye will perceive a number of columns from the bottom to the top. Re-arrangement of the order of the symptoms would move vertical clusters, but could never make them disappear.

What we observe in *the diagram of symptoms* is instead *a diagonal structure*: almost all symptoms are located around the diagonal from the left top to the right bottom. I have deliberate re-arranged the order with the aim of maximizing the diagonal pattern. But it is the property of the data themselves that they *can* be so re-arranged.

This structure reveals an enormous temporal instability: quite different symptoms were observed at quite different times. "Sudden rush into heterosexual activity" was observed in 1932 *but never more.* "Social isolation and difficulty in establishing close human relationships" was observed in 1981 *but never before*.

12 symptoms were observed in the 1930s. 10 of these (=83%) have never been observed later. 12 symptoms were observed in the 1940s and 1950s together (there is only one study from the 1940s). 3 of these (=25%) were observed neither before nor later. Among the 18 symptoms of the 1960s, 7 (=39%) are unique to this decade. Among the 32 symptoms of the 1970s until 1981, 17 (=53%) are unique.

Among the 54 symptoms, 34 (=63%) have only been observed once, 14 only twice, 3 only thrice, 4 only once, 5 in five studies, and no symptom at all in more than five studies. - 34 symptoms are *missing* in 41 studies, 14 symptoms in 40, 3 in 39, 1 in 38, 2 in 37. There is no symptom which is missing in less than 37 studies.

25 studies found only one symptom, 34 at most 2, 36 at most 3, 38 at most 4, 39 at most 5, 40 at most 7, 41 at most 8, and no study found more than 9 symptoms out of the total set of 54. Note: if one *study* listed 9 symptoms, this does not show that *any* of the individuals examined had

more than 1 symptom.

Consequently, proving that a teenager is an incest victim from the agreement between her symptoms and those listed in the M&M tables 1&2, is not a defensible procedure.

§361. Symptoms such as “conceiving illegitimate children” and “impaired feminine identification” seem to mirror the morality of past ages. - But did the individuals of the M&M tables 1&2 really have the symptoms? Had they really been abused? I shall start with *Children Who Were Raped*, a paper by the prominent psychoanalyst Anny Katan (1973). According to Mrazek & Mrazek's citation, Katan found that some mothers may tolerate sexual abuse by the father, because they themselves were abused during childhood. Checking with the original paper, a quite different story will emerge. Katan presents 6 cases. I shall analyse only the one which entered the M&M tables 1&2. Mrs. A consulted Katan in great despair, suffering from agitation, anxieties and depression. Several treatments by male analysts had “failed miserably”. She could not stand (a) being alone with a man (b) who was behind her (c) out of her sight. She thought that a female analyst might be a better choice.

Katan applied *the principle of similarity*. From these circumstances alone she inferred - and already during the very first session - that the patient had been sexually seduced during preschool age by (a) a man with whom she was alone, and (b) who was behind her (c) without her sight. This is the main and strongest proof that Mrs. A was a victim.

What she had tolerated was by no means that her husband had abused her 3-year-old daughter. It was that he had bathed naked together with the child. And to Katan, the risk was not that the father might become sexually aroused at the sight of the naked young female. It was that *the daughter* might become sexually aroused at the sight of the naked father.

Apart from unexpected external obstacles, a therapy may be discontinued because the patient was cured, or because the doctor realized that he could no longer be of any help. It is impossible to predict any of these outcomes one calendar year in advance. Nonetheless, after years of treatment Katan decided a date of termination one year ahead, and stuck to it. Hence, we are entitled to infer that her treatment was likewise a failure. - Katan cannot have been ignorant of the fact that all psychoanalytic treatments are failures.

§362. An important digression. In ch. 27 I claimed that the psychoanalysts' focus upon sexual abuse preceded the feminists' interest. Katan's treatment could hardly have begun later than in 1968, and may well have begun several years earlier. Hence, it began at least three years before the feminist congress in New York which is often indicated as the starting point of the incest craze.

Katan's article was preceded by other psychoanalytic papers. The oldest one known to me is Shengold (1963). In other words, Alice Miller and Jeffrey Masson were not the originators of the re-interpretation of Freud

("back to the seduction theory"). They merely joined a trend already in progress.

§363. In her youth Mrs. A had met a boy at a restaurant. They had had anal intercourse in an elevator. Mrs. A. also recalled having been alone with a negro in the cellar of the nursery home when she was 5. Katan combined both events and deduced that the negro was the one who had practiced anal intercourse while being behind her out of her sight.

He had also practiced oral sex. This is proved by the fact that it was difficult to make the patient believe in the interpretations: to "take in" interpretations is similar to taking in food through the mouth. She must have suffered unpleasant things put into her mouth.

The oral sexual act had a palpable effect. The penis was large when it was inserted, and small when taken out. The child concluded that she had swallowed it. Now she had got a penis herself and, hence, would be more loved by her father. Previously her masturbation was associated with the fantasy of taking away her father's penis. But now the negro's penis was substituted.

Katan also deduces that another patient, Carol, experienced an oral assault at the age of 18 months. The assault was causally responsible for the fact that Carol became pregnant with the first boy she slept with.

§364. *If Mrazek & Mrazek had been capable of distinguishing true and false victims of sexual abuse, they would immediately have realized that Katan could not. If those clinicians in the U.S.A and Sweden and all over the world, who invoke the authority of Mrazek & Mrazek, had been capable of making such distinctions, they would immediately have realized that Mrazek & Mrazek could not.*

§365. Patricia & David Mrazek did not provide the correct year of publication of Jonathan Flugel (1935); and the error has not been corrected in Table 359:1. Anyway, Mrazek & Mrazek claim that Flugel had performed an empirical study, whereby he had found that some females had become prostitutes because they had been sexually abused during childhood. But in so far as Flugel has made any contribution of his own to the topic, he merely writes that each and every boy in the depth of his unconscious feels incestuous longings toward his mother. Therefore, some males are incapable of integrating sensual sexuality with tenderness and respect of the female; and they prefer to satisfy their needs with prostitutes.

However, Flugel also refers to White (1916). The latter is another psychoanalyst who is eager to prove that *children* feel incestuous longings toward their *parents - not* vice versa. White refers to *The Social Evil in Chicago. A Study of Existing Conditions With Recommendations by The Vice Commission of Chicago* (1911). The latter report is disheartening reading. Sixteen-year-old Florence received 45 men during one day, and 130 men during 5 consecutive days. One girl of 12 was sold by her mother to a 75-year-old man. The superstition that a male could get rid of a venereal disease by transferring it to a virgin, was often turned into practical action.

2241 young girls appeared before the Juvenile Court during the first 10 years of its operation. But this figure includes *all* kinds of misbehaviour, some of which would today be deemed normal and natural. Moreover, “the crime” of some of them was just that they had a sister whose life was not deemed acceptable. Almost half of those charged with sexual irregularity were 14 or younger.

White (1916:163f.) cites that 51 out of a subsample of 103 girls alleged to have had their first sexual intercourse with their father. I can gather from *The Social Evil in Chicago* (1911:175) how he got the figures - which *White* interprets as *wishful thinking* on the part of the girls. But I fail to see any justification of Flugel's third-hand idea that the 103 girls (or indeed, any of them) were prostitutes. Perhaps the Juvenile Court took care of many of them because of the abuse by their fathers.

§366. In §§211f. we saw that it is wild speculation that Ferenczi's (1932) patients were abused as children. He lists a number of symptoms supposed to derive from such experiences. Mrazek & Mrazek have overlooked all of them. Instead, they picked up “depression”; one of the symptoms Ferenczi relates to experiences other than abuse.

Peters (1976) presents 7 cases. In 2 cases he treated the offender. In 3 further cases the validity of his conclusion cannot be assessed. One additional case is about an 82-year-old woman whom he had *psychoanalysed for 18 years* (a manifestly unethical activity). “*Dream analysis revealed”* (!) that she had been raped by her 18-year-old babysitter when she was 4½. During hypnosis she also recalled an assault from preschool age by a drunk foreigner.

Landis (1956) found that children are sometimes more upset by the parents' subsequent reactions than by the assault itself. His study is retrospective, anonymous, and comprehensive (500 subjects). For 55% of the girls the assault consisted merely in having seen an exhibitionist and run away. Only 5% were more scared by their parents' response, but we are not told what kind of experiences they recounted.

By mistake, Mrazek & Mrazek refer to Rosenfeld et al. (1979) while properly aiming at Rosenfeld et al. (1977). I read the wrong paper, but I deem it worthwhile to comment upon. An 8-year-old girl was in psychotherapy for 8 months and claimed to have been sexually abused by her father. A 20-year-old girl was apparently treated for a much longer period, and had *the idea* of having experienced a sexual assault at 5. In neither case did Rosenfeld et al. deem it possible to decide whether the allegation was true.

I will not discuss Steele & Alexander (1981). Instead a few words will be given about Kerns (1981). Both papers appear in Mrazek & Kempe (1981), and the latter describes the methodology of the Mrazek team. The “careful assessment” is based on primitive lay ideas: pre-adolescent children almost always tell the truth, and the lying adolescent will reveal anger toward and withdrawal from the family. - Couldn't a genuine victim feel anger and

withdraw *because* of genuine assaults?

Anger and withdrawal was prominent in Elvira and Elfriede (inter alia), and both had psychotherapists who acknowledge the competence of the Mrazek team. Both these therapists agreed that both girls had told the truth.

§367. Mrazek & Mrazek ignored at least four symptoms (e.g. depression and loss of appetite) listed by Katan (1973). They picked up at random 7 out of at least 19 symptoms listed by Kaufman et al. (1954). Though we have seen that Peters's (1976) patients may not have been victims at all, it is a noteworthy fact that the symptom “prostitution” in his paper, was overlooked. Also, only one single symptom was picked from Landis.

I doubt that any false victim was included in Maisch (1973) or Meiselman (1979). But in these writers Mrazek & Mrazek overlooked, inter alia: depression, gravidity, runaway behaviour, suicidal ideation, and psychosis.

Meiselman (1979:204, 213) presents several important arguments. Psychopaths are more prone to abuse their daughters, and also to transmit their genes. Hence, promiscuity may derive from the genes rather than from the abuse. I may add that the effect of the *non-sexual* and *social* behaviour of psychopathic fathers (and of other psychopathic relatives) may go in the same direction as their genes.

Comparing incest victims with a *psychiatric* control group, Meiselman found that the incest group showed *more* psychopathology of *more severe* kinds, and control group *more* psychopathology of *milder* kinds.

§368. After having unearthed so many errors in the M&M tables 1&2, I must be excused for not scrutinizing every paper they have invoked. The diagonal structure might or might not disappear if all symptoms attributed to real or alleged victims, were included in the symptom diagram. However, what was actually disseminated and admired over half the globe, were the tables printed on pp.242f.

Chapter 48
Other Writers on Symptoms, and the Importance of the Temporal Relations

> *Very young infants may develop large trombone cheeks because of oral sex. They will inhale the air and stretch the muscles so as to enlarge the oral cavity in order to make room for a penetrating object.*
> *Victims of incest may have a sour smell from their mouths. It is so strong that I myself can perceive it, though I smoke rather much.*
>
> Sine Diemar (the primary expert witness for the prosecutor in the Danish Møldrup case)

§369. The excellent descriptions in Wakefield & Underwager (1988) and Underwager & Wakefield (1990) should be read in the original. Hence, I shall borrow only a few details. One hundred years ago, numerous doctors - inter alia Dr. Kellogg who invented corn-flakes - zealously tried to prevent youthful people from masturbating. Masturbation is usually performed in secrecy. But doctors constructed long lists of indicators which they suggested parents and other educators should watch out for.

The very same symptoms which one hundred years ago proved masturbation, will today prove sexual abuse. Table 369:1 is from Underwager & Wakefield (1990:26f.), though the layout is slightly modified.

§370. Present-day incest symptoms fall into two main categories. One of them consists of all kinds of diffuse symptoms, such as headache and sleep disturbances. They may occur in all kinds of diseases, and numerous people will suffer from them now and then, without any detectable cause. The other group consists of symptoms which are *similar* to sexual acts. *The principle of similarity* was explained in §§95f., and will be resumed in ch. 81. A considerable part of Scharnberg (1993) was devoted to the documentation of its prominence in psychoanalysis and the incest ideology.

Four-year-old Corinna of *the football case* (cf. primarily *the tenth book*) had shown a negative reaction when rinsing her mouth at the dentist. The dentist had perceived nothing unusual (teeth are not infrequently over-sensitive to cold fluid immediately after treatment). But her psychotherapist had. She testified in the Court of Appeal that the child's response might derive from oral sex. After the act daddy used to say: “Now we shall rinse your mouth, and then this thing has not happened at all.” Monica Dahlström-Lannes (1995) secretly commented upon this case, but claimed that *fear of the dentist usually derives from oral assaults*. Dentists may assist the

authorities in detecting the offenders.

Elsewhere, the same expert has written:

> "In some children 'the assaults remain in the body`. They cannot swallow soured milk (e.g.) without having strong nausea (from oral assaults)" (Dahlström-Lannes, 1990:64) [Q-370:1]

This handbook is found at and is ardently used by every police station in Sweden.

Another list, published by *Save the Children*, is Akselsdotter (1993). This is a whole book of incest symptoms, a handbook for pre-school staffs about what to look for. If young Peter refuses to eat a certain dish, the staff should note that the sauce might be *similar* to male semen. And then they should report to the police. In Western Europe we thought that such kinds of espionage at pre-schools were past after 1945.

§371. Only a few aspects of Sgroi's (1984) handbook are noteworthy: her mechanical application of the principle of similarity, her parodic application of Trankell's (1971) *criterion of competence*, and her persuasive technique. Some children which are prevented from masturbating, may place a toy in their pants, and produce frictions by manipulating on the outside of their clothes. A girl may put a doll in her pants, with the doll's head against her sex organ. This is *similar* to cunnilingus, and is therefore taken to suggest that the child has had such an experience.

But what if she simply selected the object on the ground of its efficacy? An engine, most toys without joints, or a doll with its legs placed against the sex organ - would they produce as much pleasure?

Furthermore:

> "A child who can describe cunnilingus, fellatio or rectal or vaginal intercourse could only have obtained this information through observation of others or through participation in these sexual activities" (Sgroi, 1984:43). [Q-371:2]

Does Sgroi believe in this? Or is her aim to secretly encouraged revengeful ex-wives and irresponsible psychologists to indoctrinate children?

§372. In the first chapter Sgroi admits that she does not really know anything about how to distinguish true and false allegations. "Will today's tentative theories become widely accepted tomorrow or will they be discarded? Who can tell?" (p. 6). It is a classical persuasive device to soothe the sceptic and his well-founded objections, by frankly admitting them. When his critical attitude is removed, the sceptic will usually be open to suggestive influence. The entire book apart from the first chapter, proves that Sgroi does not mean what she says: the introduction is a calculated technique.

§373. Crews (1994a, b) shows how Lenore Terr's theories were tailored for the Paul Ingram case. A few years previously her writings had not contained a trace of her "empirical generalizations". Wakefield &

Underwager (1994) have likewise documented instances of psychiatrists whose clinical experience has *retrospectively changed*. A further instance is pointed out by Esterson (1995). Note the years of publication. In Janov (1970) there is on 451 pages one single reference to sexual abuse in childhood, and this was recalled by a psychotic woman.

> "What we *do* find in the book however, over and over again, are patients recovering 'scenes` in which their needs of love and care were not met by their parents. In other words, they recover scenes reflecting precisely what Janov (and society?) at that time saw as the trauma which was the root of emotional problems in adulthood." (Esterson, 1995:11) [Q-373:1]

In Janov (1972) there is only a single and *hypothetic* reference.

But 20 years later we read in Janov (1991:302): *"I have treated a great number of incest victims."*

As shown by both Esterson (1993) and Scharnberg (1993), Freud's empirical generalizations were not only fabricated ad hoc when need arose. They also disappeared ad hoc when they did not fit in with some new idea of his.

Seventh Book

Evidence Refusal by the Court of Appeal, and Strategic Pseudo-Theories

Chapter 49
The Case of Elvira and the Football Case

As flies to wanton boys are we to th' Gods;
They kill us for their sport.
William Shakespeare

§374. Wendela was a 13-year-old extremely extraverted girl, and her sister Corinna was 4. The motivation for the name – "the football case" - can be gathered from §16. The case will primarily be analysed in *the fourteenth book*, but selected aspects are discussed elsewhere. Here, we shall primarily focus upon the handling of the case by the Court of Appeal.

Note carefully: both cases were handled by the very same subdepartment of the very same court at very nearly the same time. The chairman of the subdepartment handled the case of Elvira, and the vice chairman handled the case of Wendela & Corinna. One of the lay judges participated in both. Both fathers had extremely incompetent lawyers, and Elvira's father was *in contradiction with Swedish law* forbidden by the court to substitute his attorney.

§375. In §§42-44 an outline of the case of Elvira was presented. In ch. 36 Egil Ruuth's entire testimony (lecture) in this case was analysed. A few somatic details were described in §346. It was a case of recovered memory therapy. The only evidence consisted of the daughter's semi-testimony. Manifestly, she had not told the truth about her father having slaughtered and eaten up 53 children, nor about his having hired out her at a prostitute at sex clubs. Hence, it is odd that she was trustworthy about having been abused since pre-school age. But the psychological profession had prepared the ground for many years by constructing and propagating the strategic pseudo-theory T-3, to be described below.

§376. Their real names were never mentioned by mass media. But Muriel, Elfriede and Elvira are those girls who have attracted utmost attention in Sweden. We saw that Violet was Muriel's schoolmate. Next some information about two of Elvira's schoolmates.

She and another girl had competed about who could attract the greatest attention. Elvira won the first round: a newspaper published an article about how it feels for a teenager to live with a deaf mother. But then the other girl saw Virgin Mary and was at the age of 17 declared a saint by the orthodox church. Sick people from the entire country came to her to be healed.

I do not suggest that Elvira herself contributed to the incest allegation. It is just a faint possibility that a small part of the case was not entirely unwelcome to her.

§377. In the democratic Swedish society, schoolmates may belong to

very different social classes. A bookbinder's daughter may go to school with the daughter of the director-general of the national railway company. I shall not expose any real names, nor any real occupations. The point is that many recovered memory therapists have a poor imagination. If the patient has a schoolmate whose father is a VIP, they may make the patient recall that this VIP participated in the sexual and cannibalistic rites.

§378. As I have said, there is a close connection between the case of Elfriede and Elvira. Their narratives are much more similar than recovered memory narratives use to be. Both father's were unanimously convicted and sent to prison for 10 years, and Elvira's mother got 5 years. Egil Ruuth was appointed to assess the trustworthiness of Elfriede. As usual, he manufactured false evidence for the prosecutor: the allegation derived from authentic experiences and not from any external influence.

However, both Elfriede and Elvira eventually started to recall ritual abuse involving VIPs. *Solely because of this reason*, new trial motions were accepted by the Supreme Court. Elfriede's father was completely acquitted. But in order to conceal the extraordinary incompetence of the judges almost all documents were classified.

§379. I take the liberty of inserting here a fact on classifying matters. The *alleged* motive for classifying a part of a judgement is almost invariably to protect the injured party: outsiders should not learn whether she had been exposed to oral or anal sex etc. (In the present cases, the identity of the VIPs was supposedly what should be protected.) However, judges are usually very careless, and the information concealed in the judgement of the Court may be openly stated in documents produced by the prosecutor or the defence counsel.

Often, an additional motive is prominent. Judges may be perfectly aware of the total absence of any evidence. They may classify certain pages for the purpose of deceiving reporters into imagining that satisfactory evidence is found on the classified pages. *In one judgement by a Court of Appeal the sections on the nature of the sexual acts are not classified. But so is the utmost trivial section, in which the judges simply discuss where the girl should have 70 000 SwCr or 100 000 SwCr in damages, and whether one or the other sum is customary in cases of this variety.*

§380. The re-trial of Elvira's both parents took place in the Court of Appeal in Stockholm only a few months after the acquittal of Elfriede's father. Before the proceedings started, the court reflected as follows: It was known to the entire country that the Court of Appeal in Umeå (including the president of the court) had demonstrated its abysmal incompetence and irresponsibility. A flagrantly innocent man had been convicted on the basis of his flagrantly untrustful daughter's semi-testimony. If the same pattern was immediately afterwards repeated by the Court of Appeal in Stockholm, the confidence of the entire nation in the legal system would reach a bottom level.

Therefore, the judges decided in advance to convict the father. But they also decided to be smart and invent a compromise solution to bluff reporters.

Though I had access to inside information, I do not claim to have predicted *what* compromise solution would eventually emerge; viz. the

following: (a) the mother is probably guilty but, *formally*, the evidence is not *quite* strong enough for a conviction; (b) the father is probably guilty of having hired out the daughter as a prostitute but, *formally*, the evidence is not *quite* strong enough for a conviction on that point; (c) it is established beyond any reasonable doubt that the father abused Elvira since she was 4-5 years old; (d) the mother was acquitted; (e) the father was acquitted of having hired out the daughter; (f) the father was convicted of having abused the daughter; (g) he was never tried of murder and cannibalism. Hence, he was sentenced to "only" 5 years.

This legerdemain was successful: mass media praised the judges because of their wise and just decisions.

§381. It was a sham trial. Being fully aware that Egil Ruuth had manufactured false evidence on behalf of the prosecutor in the case of Elfriede, the judges appointed him as "impartial" expert witness. Being fully aware that Kari Ormstad had manufactured evidence on behalf of the prosecutor in the case of Reger, the judges appointed her as "impartial" expert witness. *The defence was forbidden to present the crucial part of its evidence, viz. Astrid Holgerson's witness psychological investigation about the origin and further development of the allegation*. The judges had an inkling that they would not dare convict the innocent defendant, if these facts became known.

§382. The following are a few details from Holgerson (1994). Elvira was exposed to massive pressure from a large team. During the earliest police interrogations she emitted a series of "cries for help": she *begged* the police officer for a little support, so that she might have the courage to tell the truth. But she was rebuked.

E-1: *If by looking at me you can see if I am lying you must speak up.*
P-2: I think you are not lying, I believe in you, I think that maybe -
E-3: *I do not believe in myself.*
[...]
E-4: *I do not even know if it has occurred* but it just hurts when I am saying it, it hurts, I know - but I don't want to know, I don't want to know.
[...]
E-5: But I don't know, maybe I, maybe I do not, *maybe it isn't true.*
[...]
E-6: *Maybe I am lying.*
P-7: We will help each other find out what happened. It is so that *we will help you to remember*. Do you have any further recollection of this kind. You told about how you felt his willy in your hand, that daddy penetrated you with his willy.
E-8: *But perhaps it never happened at all, not at all.*
P-9: BUT THIS IS WHAT YOU RECALL, and what more do you recall?
E-10: *Perhaps I do not recall at all, PERHAPS IT IS JUST SOMETHING I INVENTED.*
P-11: Mm, if we, if we should leave that out of account.
(the layout is partially Holgerson's and partially mine) [Q-382:1]

A competent psychologist will easily recognize the pattern of recovered memory therapy.

> "During the interrogations with Elvira of the first trial of [Elvira's mother] by the Court of Appeal, Elvira's presentation is palpably 'reeled off` in a monotonous way, like a deliverance of something she had been taught. Sometimes she is talking as if she were in a trance. Almost every sentence begins with 'I recall that...`. *Once she emits this phrase 29 times during 5 minutes."* (Holgerson, 1994:13, italics added) [Q-382:2]

§383. Discussion of attorneys primarily belongs in ch. 111. But some words on this topic are inescapable here. Whenever the attorney Peter Haglund and I have collaborated, we have always worked on the premise that it is to the advantage of the defendant if all cards are laid on the table. It was invariably the prosecutor who tried to conceal the truth.

Both Elvira's and Wendela's fathers had irresponsible attorneys, who took their guilt for granted, and did nothing to help them. Elvira's mother had one of the best lawyers. It is *literally true* and not a rhetorical expression, that her father's lawyer did not ask one single question during the trial, which a schoolboy could not have asked just as well. He was *totally* unprepared for the plea. For two hours he kept iterating that his client is a good man because he bears no grudge against the prosecutor. He prevented the client from calling certain witnesses which *might* have led to acquittal. He took for granted that any further evidence could only make things worse for his client. Despite the foolproof counter evidence, the attorney was convinced that his client had really committed the cannibalistic murders. Consequently, he would be lucky if he only got 10 years for sexual abuse. The attorney's attitude is particularly remarkable, because in Sweden a person cannot be convicted of anything he is not tried for.

Wendela's parents asked their defence counsel to engage me. He wasted three months before calling me. And when my written investigation was finished, he did not hand it over to the court.

§384. Judge Widebäck decided that all the three psychologists supporting the prosecutor were permitted to start their testimonies with extensive monologues. They were free to talk about whatever topic they pleased, and to give comprehensive presentations of their views. She decided that I would solely be permitted to give brief answers to brief questions. The defence counsel would have had some chance of making her change her decision, if he had pointed out the noticeable asymmetry. Even if he had failed, he could have tried to compensate for the biased situation by asking numerous questions.

The prosecutor asked me very few questions. This was a clear signal that she saw no danger in my testimony. But the defence counsel did not bother. He had a strange plan. The pseudo-witness-psychologist Hans Larsson had claimed that everything seemed to indicate that the father was

guilty. But he had added that his guilt was not *altogether* certain. The defence counsel had decided to base his defence on the idea that Larsson is a highly competent psychologist who had made a highly competent investigation. And since *Larsson* had said that the guilt is not *altogether* certain, the defendant must be acquitted. The lawyer feared I might undermine Larsson's authority.

§385. I was incessantly interrupted by judge Widebäck: *"Stop! No one asked you about that!"* I was permitted to testify that Larsson's investigation is crank science. But I was stopped from supplying any justification of this view. *After this tactic,* Widebäck and her co-judges wrote in the judgement that my view should not be taken seriously, because I was *unable* to supply any justification.

I said that the problem of 4-year-old children inventing fantasies about sexual abuse on their own initiative, is much smaller than the problem that they are indoctrinated. Widebäck distorted my statement, and wrote in the judgement that I had supported the prosecutor's view that Corinna could not have imagined the assaults.

Note the *isomorphy* between the strategies of the chairman and the vice chairman of the second department. Both felt that the defendant was innocent. Both had in advance decided to convict him. Both did not have the courage to go on with their plan if all cards were laid on the table. And both forbade the defence to present the most important part of its evidence.

Chapter 50
Strategic Pseudo-Theories

One should never completely absolve and acquit someone who is blamed and accused of witchcraft
Jean Bodin (1580)

In its elementary form, the doctrine of abuse is almost tailored for preventing acquittals of innocent people.
Knut Erik Aagård

§386. The idea has sometimes occurred to me that students of psychology *and* jurisprudence should be given a task like the following one:

A. *The first premise is that a court will each year handle a large number of trials for sexual abuse. The cases are of all possible kinds. Some defendants are innocent, some are guilty. The nature of the body of evidence will cover the entire scale, from foolproof evidence of the defendant's innocence to foolproof evidence of his guilt.*
B. *The second premise is that the court has decided in advance to convict each and every defendant.*
C. *The aim is to construct a limited number of theories which will justify the conviction of all persons tried, regardless of the nature of the evidence. In particular, evidence of innocence must be neutralized and/or transmuted into evidence of guilt.*

This is not just a thought experiment. Thousands of psychiatrists and clinical psychologists have worked with this task for decades. They have also invented solutions which some judges and jurors consider ingenious. Many psychological theories are deliberate stratagems.

In Sweden, Monica Dahlström-Lannes (inter alia 1993), has in public propagated that the courts should base their judgements upon these theories. To some extent she has been joined by the judge of the Supreme Court, Inger Nyström (1994). To confuse the issue, both have at the same time demanded very strong evidence as a condition for a conviction: a defendant should solely be sent to prison if his guilt is established beyond any reasonable doubt.

§387. The most general theory is

T-1: *Children and teenagers never lie on sexual abuse.*

However efficacious this theory may be, it is a common experience that indoctrinated pre-school children will usually get the wrong end of the stick. A preschool girl may mix up whether she had an ejaculation in daddy's mouth or vice versa. If requested to supply details on matters completely outside their world of experience, children may produce fantastic details.

Three-year old Linda had for 5 months not seen her father at all, and for 9 months not seen him without supervision. Nonetheless, she told the police officer that her father had "yesterday" inserted a 60 cm long woodden stick into her anus, and had handed her over to her mother in that condition, whereafter her mother took away the stick. - The case will be described in *the twelfth book*.

For such purposes another theory has been developed:

T-2: *If the child's account is obviously impossible, the court should cut a heal and a toe, until a version emerges which is possible (or which the court erroneously conceives of as possible). The defendant should then be convicted of the reduced version.*

§388. If a girl of 15 or 20 is involved, additional support may be obtained from the following auxiliary theory:

T-3: *Sexual assaults may lead to injury of the cognitive apparatus of the victim, who may not only truthfully recount the abuse, but may also untruthfully assert a long series of fantastic things which never took place.*

This theory has the merit that counter evidence is not merely annihilated. It has transmuted into powerful evidence of the crime. The theory was indispensable for the conviction of Elvira's father.

§389. Children and teenagers who are exposed to indoctrination may gradually succumb to the pressure. Sometimes the entire prehistory and the series of increasingly more comprehensive and extreme versions, cannot be concealed. The gradual genesis would seem to suggest that they were not authentic. However, this circumstance may be remedied by means of

T-4: *The sexual assaults were so painful that the child "repressed" them. But repression was gradually lifted, whence the child recalled more and more of what really took place.*

§390. Another pattern is that a mentally ill girl may first accuse a series of offenders, though the proof of their innocence is accepted even by the prosecutor. Afterwards she accuses her father. One would think that a girl with this background could hardly be so trustworthy, that a severe prison sentence could be based upon this girl's testimony alone.

But the psychologists have found a suitable stratagem:

T-5: *A victim of sexual abuse may be in a conflict situation. On the one hand, she wants to expose the assaults. On the other hand, she wants to protect her father. The result may be a kind of psychoanalytic compromise solution. The girl may truthfully state that she was abused. But she may in the beginning point out the wrong person.*

§391. Whether on her own initiative or because of external pressure a girl may have made a false allegation. Later, she may be capable of resisting the external pressure, or she may realize that what she did was more serious than she had originally thought. Roland Summit (1983) tailored a theory for the purpose of preventing the correction of such false convictions:

T-6: *It is a typical feature of true allegations of sexual abuse that the*

victim will later retract the allegation. In other words, the girl's retraction constitutes a further proof that she was really abused.

§392. Not infrequently, the indoctrinator or some of his/her co-workers feel that an explanation is needed to explain (a) why the girl did not speak up at a much earlier time, and (b) why the allegation started exactly when the parents divorced and had a custody dispute. The theory of repression may be suitable for this situation. But there are a number of alternatives:

T-7: *The girl kept silent until recently because she was threatened; or was bribed; or felt ashamed; or thought the abuse was her own fault. She has now exposed the real events, because after the divorce she had got an environment in which she felt safe, since she no longer had to meet her father; etc.*

§393. At a clinic a whole team may try to press a child to make a false allegation. Sooner or later the child may succumb. Sometimes it might be more or less a random phenomenon to whom the child succumbed, and sometimes it might be to the most brutal member of the team. Frank Lindblad propagates the following theory:

T-8: *The child will expose the secret to the person in whom the child feels the greatest confidence.*

§394. The next theory was not invented for legal purposes, but it has later become used for this aim.

T-9: *An individual who as a child was exposed to sexual abuse, will as an adult be somewhat prone to abuse children himself.*

In one of the cases described in the present volume the father claimed to have been abused during preschool age. Years before any allegation emerged, he had strongly warned his daughters of the risk. During the trial, his own preschool experience was used as evidence against him.

Many Swedish prison psychotherapists claim to have verified T-9 on their patients. However, we have seen in §337 that prison therapists may revenge themselves and prevent conditional release, if the prisoner does not produce the "right" responses.

Also, the arithmetic does not fit. The incest ideologists have always claimed, that many more girls than boys are abused, while many more adult males than females are abusers.

Dahlström-Lannes (1990:32) makes insinuations: those males who denied being victims, had used phrases such as "Not as far as I *know*", "Not as far as I *recall*" (italics added).

The historical origin of the theory has been documented in Scharnberg (1993, I, chs. 1, 12 and 27). Freud fabricated out of empty air that those *preschool children* who had seduced other preschool children, had previously been seduced by adults. Alice Miller "improved" this theory by means of wild speculation which had no connection with her own clinical observations: adults who abuse children have themselves been abused when they were children.

§395. There is some doubt as to whether the next two theories were

invented by psychologists or by judges.

T-10: *There might be revengeful ex-wives who try to indoctrinate their children to make false allegations against their father. If such a mother is in the court asked a simple and soft question: "Did you indoctrinate the child to make a false allegation?", she will invariably answer: "Yes I did. My former husband really did nothing to the child. I made it up altogether. I trained with the child for 6 months, and awaringly committing the criminal act of making a false police report." Indoctrinating psychologists will immediately give the same kind of a truthful answer, even if they are not pressed in the least. - The mother or the psychologist will never say: "I have been very careful not to influence the child. The child's account came as a total surprise to me. I never suspected such things." Hence, if the mother or the psychologist give such an answer, this is hard evidence that the child was not exposed to any external influence, and that the mother or the psychologist were genuinely surprised.*

§396. Further theories:

T-11: *Mankind consists of two radically different biological species: injured parties together with their associates; and defendants. If the injured party or her mother or her psychotherapist present accounts which are replete with contradictions, gaps, and absurdities, this is perfectly compatible with the hypothesis that they have in all essentials told the truth. If they advance an allegation, the very fact that they have done so, proves in itself that the allegation is true. By contrast, if even trivial inconsistency or gaps can be found in the account of the defendant, they prove that he is deliberately lying. If the defendant denies the crime, this is in itself a proof of his mendacity.*

T-12: *If members of the family have not even noticed such things which are impossible not to notice (e.g. sexual intercourse in an old wooden creaking house while they were at home), the explanation is probably that they screened off the awful truth of sexual abuse.*

There may be more theories of the same variety.

Chapter 51

A Few Applications of the Pseudo-Theories: Rachel, Mirella, Wendela & Corinna, and Ursula.

> *Popular astrology, believe me, is a technique, and with a slight effort it can be induced to say what pleases both sides.*
>
> Johannes Kepler

§397. In the case of Rachel, her mother (the initiator of the intrigue) had fetched a witness from Norway to attack the father. There was no evidence that this witness had told the truth. But the Court of Appeal proved the father's mendacity from the fact that his account did not agree with that of this witness. And since he was thus proved to lie on this point, he was assumed to have lied also about never having abused Rachel.

Wendela made the allegation primarily on her own initiative. But after a short while she changed her mind and wanted to retract. The social workers, who had been very eager to have her father sent to prison, strongly encouraged her: "If you feel like retracting, you should of course retract." They were applying T-6 and were fishing for one more piece of evidence against the father.

§398. The case of *Mirella* has been excellently described by Holgerson (1995a, 1995b). The video-recorded police interrogations unanimously reveal that 10-year-old *Mirella* repeatedly and very strongly denied having ever been abused by her stepfather. I shall apply the pruning technique and quote a consecutive list of her statements:

> "He has never done it, he is not that mean." / "But he has not done it." / "No-o-o." / "He has not done it." / "I am telling you, this is the way it is." / "Why don't you believe me?" / "But he has never done it." / "Oh Jesus, how tiresome you are." / "Just a moment - since he has not done it - and then you are telling me all the time - then it is tiresome - when it has not happened in that way." / "He has not done it." [Q-398:1]

Not unexpectedly, Kari Ormstad was involved in this case too. The stepfather was unanimously convicted by the district court (Bäckström, Adefelt, Linderson, Schedin, Abrahamson, Östberg), on the ground that *MIRELLA'S SUBSEQUENT FOSTER MOTHER* testified that the girl had told her about abuse going on for the last two years. The stepfather was acquitted in the Court of Appeal with 4 votes against 1. Judge Christer Rune voted for a conviction.

Rune's justificatory reasons may well mirror the fact (which Holgerson

is too polite to mention), that he is married to a psychiatrist. He distorted the data of the trial. Inter alia, Mirella's denial vanished. Instead, Rune felt that the foster mother had made a highly trustworthy impression. He took at face value the foster mother's claim that Mirella's confession had *emerged gradually*. Since the [non-existent] gradual emergence is in agreement with *psychoanalytic theory of lifted repression*, the latter proved the truth of "Mirella's" [!] account. In other words, Rune applied T-10, but applied it to purely fictive evidence.

§399. In the sham trial against Ursula's father (who will be called "Percy"), T-5 was asserted in the testimonies of the clinical psychologist Ingegerd Skogström and the social worker Ulf Wiman. Skogström oscillates between strategic positions. Whenever mental illness might retract from Urusala's trustworthiness, she had no such disease. Whenever mental illness might prove she had suffered abuse, she was extremely disturbed. No less than 21 experts were working for the prosecutor; two of these, Gunvor Nordin and Egil Ruuth, were appointed by the court. No expert was engaged by the defence.

Ursala was 13 years old when she made her first false allegation. In order to facilitate a confession against her father, the child psychiatric clinic made her read Michel Morris (1982): *If I should Die Before I Wake*.

The police officer Britt Argårds, whom we may recall from the case of Erna, was also involved. It may not be a coincidence that Ursula's mental health seriously deteriorated after the endeavour of the authorities, and that she tried to take her life. During the interrogations Argårds screamed at Percy with the volume of voice most people will only hear on documentaries about a certain dictator from the 1930s. His attorney did not even bother to be present at the interrogations to prevent such things. The case is partially described in Scharnberg (1993, I, ch. 30).

Argårds even succeeded in making Ursula herself state T-5. "Nicos" is the innocent neighbour, the second alleged offender. Why did she point out him?

U-1: Well, I think it was just an accident or bad luck. Why, I couldn't tell it was daddy, this was sort of impossible, 'cause he is my daddy nonetheless. And there was nothing special about them, but I think I have never liked them or that family.
A-2: Hence, in a way it was not difficult for you to choose Nicos, he was just a "someone" to you, and you chose him because you couldn't say it was daddy.
U-3: Why, I could not betray him, he is my daddy as it were, it, I couldn't betray him. I feel hurt in my mind because it feels sort of I am betraying him.
[Q-399:1]

§400. The father had requested to meet his daughter to see whether she would stick to the accusation in his presence. The video-recorded meeting took place at the police station. Ursula had been indoctrinated for months at the hospital, and had got an extra boost the minutes before the meeting. Britt Argårds was present. She interrupted whenever there was even an imaginary

risk that Ursula might give second thoughts to things - for instance after soft questions like the following ones:

F-1: But what is the truth. Tell it to us here and now. You see, I ask you. I have been arrested for more than 47 days.
F-2: But tell us then what I have done to you. I want you to tell it to me. [Q-400:1]

Primarily, Ursula said, “You know you have done it”, but was not able to say what the father had done.

In the district court two lay judges voted for acquittal. The Court of Appeal (Palmcrantz, Hahn, Halvorsen, Breile, Olsson) saw strong evidence in the fact that Ursula had not retracted under the just described sham confrontation with her father. Likewise, T-5 was uncritically accepted.

Ursula had stated that the zip of her trouser often broke because of the assaults. Her mother had confirmed that the zip actually broke. The judges applied gossip logic and saw no possibility that the zip could have been prone to break because of the girl's considerable obesity. They took the broken zip as evidence of sexual abuse.

§401. There were three different classes of documents in this trial. All documents were known to the witness psychologist and the prosecutor. Some of these were concealed from the defence counsel. Others were handed over to her on the condition that she conceal their content from her client - *which she did!* Apart from cases involving espionage, this seems to be the only Swedish case of a conviction on the basis of evidence kept secret from the defendant.

§402. The group of genuine witness psychologists practices a degree of cleaning-up of themselves. Anita Palm was expelled from the group, and Vessela (extensively described in Scharnberg, 1993, I, chs. 31-333) was her last case. She made a nation-wide scandal in the case of Reger. Ursula was Gunvor Nordin's last case. She produced crank science at the level of the pseudo-witness-psychologists.

But the case also illustrated what a lottery the legal system is: petty accidents may make the difference between an acquittal and a conviction. The district court turned to one of the most competent witness psychologists of the country, to have the quality of Nordin's investigation assessed. There is little doubt that the father would have been acquitted, if he had accepted the appointment. But he had no time. Instead, Egil Ruuth was appointed. And then the father got 5½ years in prison.

Eighth Book

General Outlook

Chapter 52
Two Cases of Adult Rape: Marcus and Billy Butt

There is no explanation of anything. The only thing the world will manage is to take one's life by turning over in the bed, just like a person may squeeze his fleas to death while being asleep.
Ferdinand Celine

§403. The way in which cases of rape of adult females are handled by the courts, may justify their inclusion in the present report.

Marcus's wife reported him of having during their marriage brutally raped her 8-11 times; she did not deny having voluntarily slept with him over the same period. He was arrested 881124. The entire district court (Reuterstrand, Gustafsson, Hansson, Jakobsson, Lindstedt, Thorsman) and the majority of the Court of Appeal (von Möller, Melin, Borgström) deemed the wife to be trustworthy. Marcus was sent to prison for 3 years, and was released after 18 months. His wife came regularly to the prison and slept with him. Twenty-two such visits are documented but the real number seems to have been around 35.

900220 the wife once more reported Marcus for having “in letter after letter” since March 1989, threatened to cut up her face and to hire others to murder her. At the first and second interrogation she explicitly claimed to have saved the letters, and promised to hand over them immediately. Despite three further attempts from the police, the letters have never been shown. By contrast, 20 kind and ordinary letters were shown by Marcus, which the wife had written to the prison during the same period. Hence Marcus was not charged.

In turn, the husband reported his wife of having made a false report (a crime according to Swedish law). The prosecutor decided that both mates had [for the third time] made opposite claims: she claimed to have received, and Marcus denied having written such letters. It was impossible to know who had told the truth. Hence, the wife was not charged.

If the wife had got the letters, she could have had no motive for concealing them. The conclusion is inescapable that she had lied for the purpose of having Marcus convicted for another crime he had definitely not committed. Even if we did not possess the criterion of isomorphy, we would be entitled to conclude that the accusation of rape was likewise false. Note how the prosecutor's decisions each time favoured the wife and never the facts.

§404. There is no reason to conceal Billy Butt's name, since he himself

has appeared in TV etc. The about 20-year-old girls included here will however be given pseudonyms (Doris, Fanny, and Gerda). It was Billy Butt's job to introduce and popularize young female singers, dancers, actors, and photo models. Like many others in this profession, he slept with quite a few of them, and did not sleep with very many more. He was eventually accused of rape. Mass media performed a hateful campaign. This was probably the main reason why he was convicted. A number of his former partners claimed to have been raped, but their accounts are astonishing. For instance, Doris was brutally raped in Stockholm. She semi-testified that four weeks later she went to see Butt in London at his hotel, and had taken with her things for staying over night. She went around in his room “dressed only in pumps”. At bed time she laid herself in his bed dressed only in pants. She was “raped” for the second time, but stayed in the bed during the night, ate lunch with Butt, whereafter he took her to Brighton in his car. On the very next day she recommended Butt as a trustworthy person to a female friend who also sought a job. Four months later she read in the newspaper about the accusations. *After she had read this*, she contacted the On-duty-service-for-maltreated-women and a psychiatrist. The latter wrote in his affidavit that she suffered from “dejection” and “depression”.

Gerda semi-testified about the on-going act of rape. Butt had asked her to take out her tampon. She went to the bathroom and did so. She returned with a towel which she placed upon the sheet and laid herself upon it. It was the reporter of the newspaper *Expressen* who, under no little resistance, persuaded Gerda to make a police report. She was afraid that a false report might backfire.

§405. Fanny should speak for herself. The following excerpts are from her semi-testimony in the district court (J = the judge, D = the defence counsel). The call on the airport took place some 20 minutes after she had parted with Butt who had raped her. Fanny was 20 years old. Since she had worked at two nightclubs, she must have acquired some skill in managing males who were too interested in her.

J-1: You told that in the morning Billy Butt asked whether you knew any other girl who would be suitable for the Alban Video, and you reflected upon this - and then you sought for a telephone number to one of your [female] friends - were you at home then?
F-2: Yes.
J-3: And you couldn't find the number - or how was it?
F-4: Yes - I found the number, but I didn't find her.
J-5: Well - Did you call her later?
F-6: Yes.
J-7: And when did you do this?
F-8: I called when I was at Linköping airport.
J-9: And why did you do that?
F-10: Because - eh - I didn't think he would expose someone else for this, plus that I was still mighty afraid of him and he had told me that I had to find some other one

- who would come.

J-11: You *had to* find some other one.

F-12: He said he would - You must find some other one to come because we need more girls in the video.

J-13: Hence, you still participated in the project?

F-14: Yes.

J-15: Or did you count on still getting this job?

F-16: I counted on it - yes.

J-17: Didn't you possibly reflect on the risk of mixing up one more girl in this thing?

F-18: Why, we would be more girls - on the video.

J-19: Yes - but - eh - if the result was that the next girl had a private meeting with Billy Butt?

F-20: I didn't think he would expose anyone else for this.

J-21: Why did this idea occur to you?

F-22: Because he said it - all the time then that he. Now you and me are together - and I just - I didn't know what to think then - I will never do anything of the kind against anyone else - never - he said.

[...]

D-23: Is it correct too that you said to June [Fanny's friend] that she should send in photos?

F-24: Yes.

D-25: You said that June might make money too?

F-26: That - ?

D-27: She might make money by taking the job?

F-28: Yes - He said so. She would get between three and five thousand.

[...]

D-29: And despite - despite that - that you were so afraid you recommended nevertheless your friend to go and see Billy?

F-30: Why, I did this because I was very scared.

D-31: For how long a time afterwards were you scared?

F-32: I am still scared.

[...]

D-33: Is it true that you planned to go to London together with Billy then - after this day?

F-34: After this day?

D-35: Hmm.

F-36: Yes - if the project with the advertisement for the exercize bike had come off, I had done it.

D-37: You had then gone to London with Billy? If this project had come off?

F-38: Actually I don't know.

D-39: But you just said, if the project had come off you were planning to go to London with Billy?

F-40: Eh - mm - Yes.

D-41: How could this idea occur to you - if you had been raped, to start a trip to London with Billy when you were so scared in Linköping - in this town?

F-42: Because I would have been so scared that I wouldn't dare say no.

D-43: In other words, you were planning to follow him to London if the advertisement project had been o kay?

F-44: Yes.

[Q-405:1]

Both the district court and the Court of Appeal found the evidence clear-cut that Butt had raped Doris, Fanny, Gerda and the other girls.

Chapter 53
Lying: Additional Techniques and Theoretical Issues

If God had meant us to ride, he would have given us wheels.

James D. Carney & Richard K. Scheeler

§406. It is a genuine shortcoming of the present work (due to want of time and space) that I have not undertaken a *systematic* study of the lying techniques applied by *psychiatrists, prosecutors*, and *judges*. From the scientific point of view, the Swedish legal system is superior to most others for the purpose of studying judges.

The strategic pseudo-theories listed in ch. 50 may be applied as lies by some judges, while others may honestly believe in some of them.

T-10 is so frequent among both testifying ex-wives and testifying psychiatrists and psychologists, that it need be repeated here in an abbreviated form: *A mother or a psychologist who has deliberately indoctrinated a child to make false allegations against her father, will invariably tell the truth about what they did, if asked in the court. Consequently, the claim that they never influenced the child, constitutes foolproof evidence of the absence of indoctrination.*

§407. One of the two main categories of lies consists of modifications of authentic events, situations etc. Formally, all modifications may be divided into three subcategories, according to the relation to the original version: *amplification*, *reduction*, and *opposition*.

No sound objection can be founded on the fact that certain modifications may equally well be conceived of both as amplifications and reductions. If a doctor actually served 5 patients during one hour, and untruthfully claimed that he served 10, the distorted version illustrate both amplification of the number, and reduction of the mean time he devoted to each patient.

Judge Widebäck and her co-judges *reduced* the true state of things in the football case (cf. §385) by her own prohibition that the expert witness of the defence must not supply any justification of his view. She *amplified* the state by fabricating that the expert witness was given full freedom to speak up on this topic, but was unable to present any justification. When Wendela semi-testified that she had been totally asleep during the oral sexual acts, Widebäck *reduced* the statement into the claim that she had been half asleep (cf. §16).

The pseudo-witness-psychologist Suzanne Insulander fabricated the coherence of Graziella's abuse versions by means of *reduction*: she cut away all information which did not agree with a fictive narative constructed by herself. At the same time, she *amplified* the real state of things by attributing

to the girl the motive that she had originally planned to tell much less than she eventually did.

The child gynecologist Barbro Wijma compared the stretched measure under anaesthesia observed in Vanessa, with the unstretched measure without anaesthesia stated in a paper. She *amplified* the number of papers stating the same measure. She *reduced* reality by deleting the facts that measure under anaesthesia is greater, while stretched measure is invariably very much greater.

§408. Amplification, augmentation, expansion, addition; reduction, elimination, deletion, subtraction, curtailing; there are many terms which are more or less synonymous, and the selection of one of them as ”the heading” must be rather arbitrary.

What about *displacement* or *transposition*? An entity may be moved from one time to another, or from one person to another. Sharon really had an injured jaw. She *deleted* the violent attack which made her unconscious. She *added* the connection between the alleged assaults of oral sex, and made a temporal displacement. Nothing hinges upon whether we conceive of temporal displacement as a separate relation, or conceive of displacement toward the past as a reduction. The aim is not to construct an elegant theory, but to construct a tool for detection of possible lies. It could be useful to start with a minimum of encompassing relations, and then subdividing them in all possible ways. Some readers may prefer *transposition* (from one time point or person etc. to another) to be included into this minimum.

Violet's mother saw a TV programme (a sham documentary with child actors), and transposed the verbal formulations of one of the figures to her own daughter. She retained the words, subtracted the TV figure, and added the girl who was planned to make the police report.

§409. In my scheme, opposition, inversion, reversal, negation etc. constitute the third basic relation. The mother or the psychiatrist who indoctrinated the child, may turn the true state of things into its *opposite* by claiming that they were very careful never to influence the child. Freud presented faked observations together with the claim that he would never have been able to guess at such things. Dr. Bernler testified under oath that he, as a psychiatrist with a long experience, vouched for Betsy's trustworthiness. And he later defended himself by claiming that he had solely stated his subjective view as a layman because, as a psychiatrist he considered the body of facts too meagre to allow for *any* conclusion.

§410. Reversal of argument also belongs in this category. Although it is not deemed fitting to select examples in which one is involved oneself, the following example is the most instructive I have been able to find. Lars Gunnar Lundh, a proponent of psychoanalysis, recommended that Scharnberg (1993) should not be published. He fabricated away each and all data and arguments actually found in the book, and imputed upon the latter a host of imbecil arguments which are completely absent. (Cf. the analogy of the handling by the Supreme Court of the first new trial motion in the case

of Graziella, §§322-324.)

Lundh also mechanically reversed all criticisms levelled against Freud. Scharnberg had extensively documented that Freud substituted the presentation of empirical or logical support with propagandistic phrases; that he never considered alternative hypotheses; that his writings are replete with erroneous accounts of other writings, even of his own texts; that he had a very poor knowledge of human nature; and so on.

In Table 375:1 Scharnberg juxtaposed 18 quotations such as “an absolute certainty”, “impossible to reject”, “one other proof, and a really unassailable one”. They comprised a total of 168 words, and were taken from a paper of 35 pages and 9047 words.

Lundh claimed that Scharnberg had supplied no evidence at all of any of these (nor of any other) flaws in Freud's writings. He had propagandistically iterated that the flaws were present. By contrast, each and all criticisms were distinguishing of Scharnberg himself: Scharnberg had substituted evidence with propagandistic iteration; Scharnberg had never considered alternative hypotheses; Scharnberg had given erroneous accounts of other writings; Scharnberg was lacking in knowledge of human nature; etc.

§411. Both Graziella and Corinna were exposed to enormous amounts of suggestive influence (including blackmailing) to say that daddy had done something. Nonetheless, Graziella occasionally managed to tell the truth. It is an established fact that she was never exposed to any attempt at making her retract the allegation. Nonetheless, at least 24 persons belonging to the authorities reversed the facts and postulated that she was exposed to no influence at all from the authorities, but to enormous influence to retract.

Four-year-old Corinna never retracted anything. Her psychotherapist simply made a flop. During the first police interrogation Corinna said that pee had come into her mouth from the lavatory; then that she had peeweed into daddy's mouth; and then that daddy had peeweed into her mouth. But the psychotherapist was so eager to teach the child new things which daddy had done, that she forgot to consolidate the previous lesson - with the result that Corinna at the second interrogation had forgotten her first lesson. This pattern was explained away as a result of her mother's indoctrination. No one bothered to ask *at what time* the mother would have had the opportunity of indoctrinating the child; and I was by the judge forbidden to provide such information.

§412. Suppose a patient said to his doctor: “My wife has a lover. I don't bother. With or without a lover our association is doomed to fall apart. It is just a formal matter when we will take a practical step and divorce.” The doctor writes in his affidavit: “The patient is very jealous and suspects his wife to sleep with other males. He accuses her of trying to ruin their marriage.” The patient strongly protests and repeats what he really said. The doctor answers: “*But this is exactly the same thing I have written.”*

It is part of the training of doctors to learn this standard phrase. Any criticism raised by a patient, whatever its nature, can be annihilated by

means of one single formula.

Should we classify this formula among the lies based on opposition?

§413. Recall that the other main category of lies consists of a standard repertoire of things which may easily be attributed to almost any person. The "general fact of experience" which the judges Wennberg and Helin borrowed from mass media and applied in the case of Rachel (cf. §§195f.), is at least first cousin with this variety of lies.

We have seen how Violet's mother tried to make her version immune to refutation. (We have also seen that such a strategy is not always successful when textual analysis is applied.) An even more clear-cut example is supplied by 14-year-old Elisa (whom we may recall from §§108ff.). She claimed that he father had bought sexy underwear to her, and had made nude shots in sexy positions. However, she had cut the underwear to pieces with a scissor and had burned them in an ash can.

§414. It is my firm conviction that the categories of mistakes in good faith, self-deception, and deliberate lies, are much too primitive to allow for a genuine understanding of the human mind. The history of science may teach us that *any* causal science seems to follow the very same development. A few words on this topic were stated in §62.

§415. And now I shall supplement the list at the end of the second book:

L-30: *One of the two primary categories of lies consists of modifications or distortions of an authentic state of things. In relation to the authentic state, the distorted account is distinguished by either amplification, or reduction, or opposition; or two or three of these at the same time.*

L-31: *Many false accounts are deliberately so constructed, that they are intended to be difficult or impossible to falsify.*

L-32: *A classical technique of fabulators is to have the target person extract the message from them under considerable difficulty.*

L-33: *The real liar may not be the girl who reports to the police. It may be the secret indoctrinator. The latter will very often apply an indirect strategy - e.g., call a family council and ask for advice, or contact the social agency exclusively for advice.*

L-34: *If, say, the mother is the secret indoctrinator, she may arrange that witnesses are present when the daughter "confesses the abuse to the mother for the first time".*

L-35: *Or: the mother/indoctrinator may select what person should be "the first one to whom the daughter confessed".*

L-36: *The fabulator may apply the hooking onto technique, that is, he may accept the suggestions proposed by other people.*

L-37: *The fabulator may give many "don't know answers"; even as regards circumstances which he could not possibly have been ignorant of, if he had had the postulated experience.*

L-38: *The fabulator may give many in-between answers. He may first*

have committed himself to a version, and may later realize or be told that this version is impossible, e.g. because it is incompatible with the external facts. He may then supply a compromise version, intended to contradict neither the external facts nor the previous version. (Often, the new version will fail and merely contradict both.)

L-39: *Closely related but not perfectly identical are the seven-league-boots and the uneven distribution of details. The real sequence of events may consist of 20 steps. But the alleged victim may merely describe step no. 1-2-19-20. This is acceptable as a first approximation. But if a detailed description is repeatedly asked for, and the speaker repeatedly jumps over most of the sequence with seven-league-boots, there is reason to be suspicious.*

L-40: *While the seven-league-boots always involve the uneven distribution of details, the reverse in not invariably true. Almost any true or false account shows some uneven distribution - some steps are missing, more attention is paid to some steps than to others. Nonetheless, not only the quantity but also the quality of emphasis may give rise to doubt: could anyone who had had the postulated experiences, have given such a surprising emphasis to the various steps?*

L-41: *Relations of parity are illustrated by a pattern like the following one: the sexual assaults were repulsive in the same way as the prohibition against watching a violent movie in TV.*

L-42: *A one-step argument may seem plausible enough, as long as one takes only one step along the argument. But as soon as one takes a few further steps, the argument will collapse by its own weight. The technique of spelling an argument out completely, one may investigate whether it is valid. A one-step argument does not necessarily, but very often, derive from the intent to deceive.*

L-43: *Strong assertions* (“*It is firmly proved that...*”) *combined with hidden reservations* (“*possibly*”) [cf. Q-99:1, Q-100:1, §557], *where the net result is that nothing is asserted at all, is a stratagem to watch out for.*

L-44: *There may be something wrong with the sequential relations.* [cf. §579]. *This indicator differs from the attention which should always be given to the temporal relations, in so far as the latter are more concerned with absolute points, intervals and periods, while the present indicator is primarily concerned with the order and steps in a temporal sequence.*

L-45: [*A surprise claim may of course be veracious, but feigned surprise is a classical technique of persuasion. However, surprise may also be related to the deficient reality feeling*:] *There are situations where few human beings would feel no surprise, if they had really encountered the postulated pattern. But they overlooked this fact,*

and recounted the most surprising things without any indication of being surprised.

L-46: *The presence or frequency of pauses does not per se constitute any clear indicator. Close attention should nonetheless be paid to pauses. Sometimes, important information may emerge from their specific nature and particular location, and their unexpected relation to other features.*

L-47: *The feigned promise should also be included among the lies. A few variants: (a) The liar strongly commits himself to something else, e.g. to a part of a more comprehensive assertion. (b) The liar uses strong expressive words or a strong expressive tone of voice. But his "promise" contain hidden reservations, such as "if-then". (c) What he asserts is not what he would do or has done, but what some abstract individual would do.*

One example was described in §58. Additional examples may clarify the idea. A captain is asked whether a certain individual employed on his boat, is Finnish. He may answer: (a) "I sweare that in all my life I have employed extremely few persons who were not Finnish." (b) "I cannot think any sensible captain would employ any Non-Finnish person for the task at hand." (c) "The idea would never occur to me to give the task to anyone but a Finn, unless highly specific circumstances were at hand."

L-48: *The receiver may be strongly stimulated into believing that the sender is telling the truth, if the sender shows considerable resistance against emitting the false message and, as it were, forces the receiver to draw out the message with a tong.*

Chapter 54
Rationality and Irrationality in the Science of Jurisprudence

We play with suppositions as other men with dice.
Zygmunt Krasinski

§416. There are 6757 judges in Swedish courts handling criminal trials and civil suits. Probably, less than 1 pro mille (= 6 to 7 judges) has a minimum of skill in evidence evaluation. I venture no guess as to how many are aware of their deficiency.

A number of possible explanations may be listed. The first of these has to my knowledge never previously been suggested. *THERE IS A GIGANTIC DISCREPANCY BETWEEN THE LEGAL PROCEDURE AND THE MENTAL EQUIPMENT OF HOMO SAPIENS.* We can hardly exaggerate the importance of the analogy of the flooded river described in §14. Not even the most skilled textual analyst would manage to (a) recognize the crucial pieces of information when they appear; (b) catch them in the flight when they occur; (c) compare them with each other and extract their non-obvious significance. The perceptual and cognitive apparatus of human being is not destined for such tasks.

(Digression: If a judge in a country with a jury, forbids the latter to take notes during the trial, the judge must be strongly suspected of aiming at a false verdict.)

A second fundamental reason is that both the academic study of jurisprudence and the practical training of judges in evidence evaluation are of an extremely poor quality.

Thirdly, concern with problems of evidence evaluation does not give much prestige in comparison with interpretations of, say, intricate subtleties of inheritance laws.

All three reasons are connected: it is no use to invent or learn rational procedures, if the situation prevents their application.

Case overload has also been suggested. But this fourth reason is not valid. Judges may try to reduce their burden by devoting less labour to each case. But then prosecutors will learn that they can win very queer cases, and will send many more cases to the court, which would otherwise land up in the waste-basket.

§417. The following analyses are not intended as a criticism of the esteemed Swedish writer, Bolding (1989), but of the *Weltanschauung* of the entire discipline of jurisprudence with its primitive ideas about evidence evaluation.

In one law-suit a husband and his wife had agreed upon equal division of the household expenses. The husband had sued his wife, claiming she had not paid her share. She lost the case, because she could not prove her position by receipts or such things. Bolding is aware that the judgement might well be unjust: she might well have fullfilled her obligation although she could not prove it. He thinks nonetheless that the judgement was correct *because of the educational effect on the general population*: it is always the person who pays who must prove that he or she has paid.

I had lived for 62 years in Scandinavia, 43 years of those in Sweden, when I heard about this legal decision for the first time. In so far as the judges intended to produce any educational effect on me, their effort seems to have been wasted. Nor can the judges be well-tuned to reality, if they hoped to educate married couples to prove their contributions to the common household expenses by means of receipts and such things.

A strange inconsistency will emerge if the case of the two mates is compared with the case of the two horse owners. Each of them had sent one horse to a peasant for summer feeding. Afterwards, both requested the same horse to be returned; the peasant refused to hand over any horse until they had agreed. According to Bolding, the only way out for a court is to apply *the principle of preponderance*: if stronger evidence points toward person A being the owner of the desired horse, he should have it, however small the preponderance. Bolding discusses a number of alternatives and (rightly) rejects them. But there are at least two additional errors in his reasoning.

§418. To make things clear I need a schematic and unambiguous example. I shall substitute the evidence presented by the two horse owners with two series of random numbers. The judge may add each column and calculate that the sum of the left column is 29641 while the sum of the right column is 29642. Hence, the sum of the right column is greater, and the decision should favour the owner who presented the latter.

But it is a sheer myth that judges perform a task even remotely akin to this model. In actual fact, they will pick up a few numbers, perhaps three or seven out of a hundred, and perhaps two from one column and nine from the other. And this is not all. To each number chosen they may attribute a certain *weight*, just as if the selected number was multiplied with an arbitrary number invented ad hoc by themselves.

Thus, if the series at hand are “1-2-3-4-5” and “6-7-8-9-10”, respectively, the latter may yield “$6 \times 1 + 8 \times 1 = 14$”, while the former may yield “$1 \times 9 + 3 \times 10 + 4 \times 8 = 71$”. *This procedure is observed in each and every case described throughout the present volume.*

Why did a judge *hit upon* one number rather than another? And from where did he obtain *the weights*? Both “decisions” may be made unawaringly. Perhaps they derived from conventions or prejudices or chance. Or they might have been *retrospective pretexts aiming at sham-justifying the final decision the judges “felt in their heart” to be correct.*

When the principle of preponderance is connected with the real world,

many of its assumed merits will vanish. Judges are strongly influenced by physical appearance, age, sex, social class, dialect, and other irrelevant circumstances. Probably the most attractive horse owner got the desired horse. And the general population of horse owners thought the judges had may a rational decision, whence they did not learn to be more careful.

§419. Bolding rejects the policy of arriving at the decision by drawing lots. Interestingly, this is a solution which might have increased the probability that the right owner had got his horse. And the educational effect could be considerable: the *visible* risk might lead horse owners to carefully establishing the identity of their property.

When Bolding's two cases are compared, it becomes apparent that he has indeed applied my analogy of picking up and weighing random numbers. He starts out with a set of heterogenous arguments, which may in themselves be somewhat or even highly rational. But his *selection* of one rational argument rather than another, for application to a concrete problem at hand, is a purely arbitrary matter. *"Apply or ignore the very same rational argument according to subjective inclinations"* is one of the fundamental constituents of judicial logic.

§420. In *the sixteenth and seventeenth books* much will be said about the oddities of judicial thinking. Unfortunately, jurists have accommodated themselves to these oddities, and can barely notice them.

The injured party may supply 5 contradictory versions during the video-recorded police interrogations, and an additional one in the district court. A simple juxtaposition of all 6 versions may unambiguously reveal that the girl is not telling the truth. The habit of judges is to pretend that the first five versions do not exist. Thereafter, they will try to find *internal indicators within* the sixth version as to whether the latter is true. This task is either impossible or immensely much more difficult. Furthermore, the last version of the injured part has usually be constructed by her i-p-lawyer.

Judges normally excuse themselves by referring to *the principle of immediacy*: they are bound to take into consideration only information presented orally during the proceedings. But this excuse is simply not true: Swedish practice gives judges extensive freedom to do what want themselves; and they do it. In the case of Rachel, the Court of Appeal wrote that BECAUSE the defendant had been able to give satisfactory explanations of what he had [allegedly!] said during the police interrogations, this information would not be used against him by the Court of Appeal. In the case of Ingalisa *the prosecutor* was by the district court permitted to show the video-recorded police interrogation with the girl, *because* he aimed at using this video as evidence of the stepfather's guilt. In the Court of Appeal *the defence counsel* was forbidden to show the very same video, *because* he aimed at using it as evidence of the stepfather's innocence. The "apply or ignore" principle is manifest here.

§421. Other inconsistencies are even more remarkable. Many judges do think they are forbidden to base their verdict upon all 6 versions emitted at

different times by the girl. But they deem it a perfectly satisfactory procedure to hand over all 6 versions to a witness psychologist, who may then testify: “On the basis of these 6 versions I have concluded that the defendant is guilty/innocent”; whereafter the judges may mechanically copy the conclusion. The police investigations may be thrown out at the front door and may re-enter at the backdoor, if only they remain unnoticed by the judges.

Chapter 55
The Need of a Public Defence Office

> *If you can't prove what you want to prove, demonstrate something else and pretend they are the same thing.*
>
> Darrel Huff

§422. The resources available to the prosecutor are gigantic in comparison with those available to the defence. And most of the prosecutor's resources are concealed, e.g. public money used by psychiatric clinics to manufacture pseudo-evidence.

In Sweden, many judges claim that an attorney should not "play Sherlock Holmes". *The only job of the defence counsel is to provide an alternative interpretation of those facts presented by the prosecutor.* Of course, this is a foolproof way of losing a case. But more than 95% of the defence counsels apply this strategy.

If the defence wants some facts to be gathered, the defence is supposed to ask the prosecutor to gather them. - On one point in the case of Rachel, the defence had no choice except to ask for a further interrogation with the girl's mother. The prosecutor (Kjell Bergenholz) could not refuse, but he deliberately sabotaged the request. From the interrogation one could never venture that the trial was about sexual abuse; one would rather guess at economic criminality. Instead of asking the ex-wife for information, the prosecutor permitted her to level further insults against her former husband.

§423. Even more important than the economic resources is *the know-how aspect.* The prosecutor may have spent years in developing a network of experts upon whom he can rely. If he is a beginner, he may borrow a network from a colleague. Even a skilled defence counsel may not *start* to look for an expert until he has got a case. He must *guess* whether it might pay; perhaps there is universal agreement on somatic injuries? He must *guess* how to locate a suitable expert, and he must *learn* how to use the latter.

§424. I am not the first one who has suggested the establishment of *A PUBLIC OFFICE OF DEFENCE,* parallel with the office of the public prosecutor. But some of the motivations supplied here, are original. - The tasks of the defence office would be to gather relevant scientific facts, so that they are available when needed. Inter alia, all the facts included in the present two volumes might be filed by the office.

Judges have objected: if we were not entitled to send a defendant to prison for 10 years on the basis of *our subjective belief in his guilt,* then we could never convict anyone at all. - This is an implicit admission that judges

are no more competent than members of sewing circles and visitors of bear-houses.

A second objection is more widespread: “there is no need for a defence office, because it is not the obligation of the defendant to prove his innocence; it is the obligation of the prosecutor to prove the defendant's guilt; if neither can prove their standpoint, the defendant must be acquitted.”

People applying this argument are not honest. In Sweden like in the U.S.A. the inverse burden of proof is the established rule. Even defendants who have supplied foolproof evidence of their innocence, are regurlarly sent to prison.

In the cases of Betsy, Elfriede, Elvira, Embla, Erna, Graziella, Malvina, Rachel, Ursula, Wendela & Corinna, the total absence of any evidence was flagrant. Nonetheless, all defendants were convicted by the district court. And only in the cases of Erna and Malvina were they acquitted by the Court of Appeal.

§425. The inverse burden of proof is a principle which could be abolished over night. This is not the case with my next and most central motivation. *At the present time, judges are incapable of distinguishing between genuine evidence and sham evidence.*

The case of Vanessa consists of a nothing but forged evidence. Sometimes the observable data themselves were faked, sometimes the factual pattern was manufactured out of trivial data. - The judges took all the pseudo-proofs at face-value. Not even the defence counsel suspected what she had to fight against.

IF THERE HAD BEEN A PUBLIC DEFENCE OFFICE, THE WHOLE CASE WOULD HAVE COLLAPSED FROM THE VERY START. Vanessa's father would not even have been tried. Judges complaining of too heavy a burden of labour, would have had one case less to handle. The police investigation would have been over in one day. The prison costs in this case was slightly over 1½ million SwCr. I am not qualified of calculating all additional costs: 8 medical doctors and further medical staff, social workers, police officers, prosecutor, more than a dozen judges and their secretaries and other aids; loss of taxes because the prisoner has no income and will have a reduced income for the rest of his life. I would be surprised if any case could be found with costs under 3 million SwCr. (The costs of the case of Elvira must be many times larger.) The total *annual* cost for the *innocent* convicts in Sweden cannot fall short of ½ billion SwCr., and is probably very much higher.

Hence, a public defence office will *necessarily* be cost effective. Even under the most pessimistic calculation, the return will be at least 100 times as great as the financial input.

§426. At the present stage it may not be appropriate to delineate too clearly the field of the office. Nonetheless, I shall mention a topic which may or may not be included. But first the context of the topic must be outlined.

Thanks to two courageous reporters, Poul Bøgh and Niels Tobiesen,

the general population in Denmark is well aware that psychologists and psychiatrists are forging evidence, and that innocent persons are convicted. The Danish Møldrup/Roum scandal is not comparable to the Jordan scandal in number of allegedly victims, but it certainly is in number of alleged offenders. At the re-trial in spring 1995, the *new* jury of twelve citizens once more convicted all the 5 defendants - a totally unexpected decision for the entire court and the entire population. One hour later, the three judicial judges of the same trial decided that the jury had made the wrong decision, and acquitted all the defendants.

§427. *There are signs that the jury was secretly hand-picked.*
A list of 60 names was send to the Court of Appeal in Viborg. According to Danish law, such a list must contain information on the profession and age of the candidates. Both kinds of information were missing on this list. The list of candidates comprised 39 males and 21 females. But the jury consisted of 3 males and 9 females. This is a distribution which, if a lottery was performed, would occur 1 time in 521 draws.

Whoever selected the jury would have been entitled to try to achieve a wide range of age groups and professions. And such an attempt might have lead to an unexpected distribution of the sexes. But exactly this kind of considerations could not have entered the selection process in this trial.

It is the obligation of the president of the Court of Appeal to select the jury. Obviously, he will delegate such a trivial task. Now, *who is his secretary?* She was the female prosecutor of the first Møldrup trial in 1989. There are indications that she worked in collaboration with two identified outsiders, a clearly illegal procedure. One of them is a lecturer of jurisprudence, who has in public stated that it is a perfectly satisfactory state of things that innocent defendants are sent to prison.

The question is worthy of being asked, whether such phenomena belong to the things a public defence office might prevent.

Chapter 56
The Tragedy of Human Nature

We are all murderers - by intent, by abstention, by indifference, or by tolerance.
Michel Eyquem de Montaigne

§428. *Every* science searching for causal relations will start with lay concepts and lay views. Only gradually are they substituted with esoteric and more appropriate concepts and views. At any historical time point there will be a set of sciences which have, and another set which have *not yet* reached the second and mature stage. Usually, many philosophers and some scientists will also "prove" that the present ephemeric dividing line has always existed, and will always continue to exist. A series of such proofs were analysed in Scharnberg (1984).

In ch. 9, and in particular in §414, I stated my belief that classes like deliberate lies, mistakes in good faith, and self-deception, are basically flawed. Psychiatrists have had a tough job in trying to apply them to train or truck drivers transporting Jews to extermination camps, when the latter claimed to have no ideas of what would happen to their passengers.

Here, I shall state my conviction that the same is true of the concept of evilness. It is no easy question whether those millions of people who sent their neighbours to be burned at the stake as witches, were evil; or the judges who convicted the witches; or the Germans who hunted Jewish children to be cast alive in furnaces. Nor is it an easy question whether many judges and psychiatrists of the 1980s and 1990s who sent innocent people to prison for many years, are evil. Nonetheless, it is more true to say that many judges are indeed evil, than to say that they are not.

At the present time much attention is given in Sweden to the recent increase of violent crimes. But I wonder whether a veracious study might not show that: the violence and disrespect of the law by psychiatrists and judges increased markedly a whole decade before street gangs and the like followed suit.

Some difficulties associated with the field of problems are artificial. Many people may attribute abysmal evilness (even mass slaughter and cannibalism of children) to *powerless* individuals. But to a *powerful* person they refuse to attribute anything worse than honest mistakes in good faith in an obscure situation.

And if I state that a judge is evil when he knowingly sends an innocent man to prison for many years, some readers will attribute a view to me which primarily derives from a deficient insight into the nature of the problem: supposedly, I think that such a judge feels a specific kind of

pleasure accompanied by physiological arousal (increased blood pressure and biting his teeth etc.)

§429. There seem to exist a proportion of the population who are prepared to commit the most unethical acts, *if such acts are no longer comdemned by public opinion*. We have been astonished by seeing the bestialities which kind and polite young boys were suddenly capable of committing in Bosnia - or in Germany half a century ago.

Social anthropologists have often emphasized that we shall understand our own society better by studying foreign cultures. The reverse may also be true. Perhaps we shall understand phenomena such as nazism better, if we pay more attention to the actions, motives, aspirations and policies of esteemed academicians, doctors, judges, reporters, policemen etc. in our own society; and also if we pay more attention to our own reactions to such phenomena. If a judge of the Supreme Court physically tortured a human being, he would be despised or exposed to contemptuous pity by his neighbours, relatives and acquaintances. But few people will give him a wry look if he with full awareness sends dozens of innocent persons in prison.

Ex-wives and clinical psychologists feel no remorse when they forge evidence, whether to revenge themselves, or to further their own career. Some teenagers destroy their fathers' life for money. A few years after their victim has been released, they want to resume the tender relation and show up the grandchildren. The idea would never occur to them to apologize. They think there must be something wrong with daddy if he is not prepared to let the past be gone with the wind.

> "It is absolutely certain that in antiquity men of genuine humanity - tender relations, loving friends, charitable neighbour - men in whose eyes the murder of a fellow-citizen would have appeared as atrocious as in our own, attended, instituted, and applauded gladiatorial games, or counselled without a scruple the exposition of infants." (Lecky, 1975, II:19) [Q-431:1]

Historically, charity endeavour – e.g. hospitals for patients afflicted with leprosy or pestilence – is a specific Jewish-Christian phenomenon, hardly existing in other cultures (Jetter, 1975, II:87). But Lecky (1975, II:87) also notes that during the middle age mentally ill patients were usually burned alive, if they believed themselves to be Virgin Mary or Jesus Christ or other religious persons.

§430. Some research has been performed concerning *mobbing at the job situation*. Every fellow employee may enthusiastically follow the leader, gang up against the target person, and zealously embitter his life. He may finally be driven to a suicidal attempt. *After such an event, the following pattern will be observed over and over again. And this pattern will hurt the target person more deeply than anything he had hitherto experienced. One after the other of the followers will come and assure him that they were all the time on his side and in the secret of their heart thought he was right*

and that the leaders were wrong.

There is no reason to think that this assurance was not truthful. Nor should we conclude that the followers had changed their mind after the suicidal attempt.

I fear we are here confronted with a fundamental constituent of human nature. And if we shall ever be able to remedy the latter, we must first of all have the courage to face it.

> "During the time of the Salem Witch trials, witches were the focus of the anger. The cruelty of children was also well demonstrated then. As the accused witches were hanged, the children literally danced and clapped with joy - with absolutely no sense of guilt or remorse." (Gardner, 1993:4) [Q-430:1]

I have read more original documents from the 17th century on witch trials than most people. I wonder how many persons did their utter best during the trial to have the defendant sentenced to the stake - and then went to the prison and said to their victim: I was all the time convinced you were innocent and that he who accused you was wrong!

§431. Many human beings are capable of doing much evil without hating their target and even while loving him or her. Betsy is not a very appropriate example, since she was mentally ill. Indisputably, she loved her father. She was a follower while the school nurse was the leader.

Within fiction I know of no superior - but also of no more depressing - description of this dynamic than the Estonian short-story *The Bliss of the Downtrodden* by Albert Kivikas (1946).

Ninth Book

What Happens In The Seclusion Of The Consultation Room? Evidence From a Tape-Recorded Psychoanalytic Treatment

Chapter 57
Methodological Fallacies As Regards How To Study Repression

> *When a psychic is caught with fraud, that is when he uses it. When he is not caught, that is when he uses genuine psi powers. There is, you see, the "shyness effect". Things bend only when one is not looking at them.*
>
> Martin Gardner

§432. Contemporary recovered memory therapy is an outgrowth of psychoanalysis. The psychoanalytic core theory is simple. Certain experiences were too painful to stand. They were therefore pushed off from consciousness. After repression they survive in the unconscious. From thither they strive to re-enter the conscious mind, and they succeed in doing so in disguised form, viz. as neurotic symptoms. However, psychoanalysts have invented a specific method which will lift repression, whereafter the forgotten event will be recalled with all its minute details. And when repression is gone, the symptoms produced by it will disappear for all future.

Psychoanalysts have wisely abstained from describing the nature of this method. Nor have they ever renunciated the core theory in any straightforward way. And all attempts at remedying its obvious and unobvious flaws have failed. In fact, these attempts were never intended as anything else than devices for confusing the issue.

Recovered memory therapy differs from psychoanalysis solely as to the nature of the events dug out, which are invariably concerned with sexual or Satanic abuse. The technical approach does not differ at all. Psychoanalysts and memory therapists alike will construct the alleged causal event, and put the patient under hard pressure, until he surrenders and believes what he is told.

Consequently, it is a highly relevant question whether we can know for certain whether psychoanalysts have told the truth about what they have observed.

§433. In the argument which follows next, I shall start with the (false) assumption that repression really exists, and that psychoanalysts have indeed observed satisfactory evidence of the phenomenon.

We need not bother whether some ingenious researcher might in the future construct a design which would ascertain the existence of repression along a radically different route. If *psychoanalysts* have observed foolproof evidence of repression, *they* could *solely* have done so by observing foolproof evidence of *lifted repression*.

Furthermore, if they have observed lifted repression, evidence of the latter is unambiguously present on the sound track of the verbal interaction in the consultation room. It is quite irrelevant whether the patient's tone of

voice and facial expressions *might* contribute to the conclusion. Psychoanalytic writings unambiguously reveal that analysts pay very scarce attention to non-verbal features.

Still under the assumption of honesty: psychoanalysts will have no difficulty in refuting sceptics who call repression into question. They need merely present the same evidence which led themselves to consider the concept verified, viz, some of the tens of thousands of recorded sessions which are available to the *International Psychoanalytic Association*.

§434. It is no legitimate behaviour from the scientific point of view to conceal the best evidence and, instead, accuse the sceptics of pathological blindness. But the crucial point is that *no psychological motive* could possibly exist, which could have led psychoanalysts to apply such a strategy, if they had any secret evidence.

The claim that psychoanalysts want to protect the anonymity of their patients, is palpably false. It is a matter of routine to delete cues to a patient's identity. And the inclusion of such cues is commonplace in psychoanalytic literature. Freud was careful to supply much information which would guarantee that *Dora* would be recognized by numerous people - information which is totally wanting in psychiatric importance.

The psychoanalysts' real motives are three: they want to conceal (a) the fact that they have no evidence at all; (b) their specific persuasive techniques of inducing the patient to believe in their interpretations; and (c) their specific techniques for making the patient upset.

§435. But the psychological profession deserves more blame than the psychoanalysts. For generations it was prepared to believe many strange things, because of the analysts' iterated postulation that they are in the possession of a wealth of foolproof secret evidence. It was the obligation of the behavioural professions to take a firm stand as regards repression and any other psychoanalytic phenomena. *Either*, the analysts must show their alleged evidence; *or* they must admit that they have no evidence; *or* they will be considered cranks. There is no fourth alternative.

Most psychologists and psychiatrists entertain very strange ideas as to what can or cannot be proved. They may imagine that proving a certain statement is enormously much more easy, or enormously much more difficult, than it really is. A therapist may claim to have verified that a certain infantile event actually occurred *and - which is an entirely different question* - that it was causally responsible for the adult patient's symptom. It would be a most instructive exercise to try to construct a pattern of facts which would indeed prove such a contention for at least the patient at hand. (Those tens of thousands of therapists who claim to have encountered hundreds of such patterns, would very likely be highly surprised by learning that such a pattern can really be constructed, cf. Scharnberg, 1993-I, §§376ff.)

But behavioural scientists may also imagine that the sole way of establishing whether Freud's or other analysts' observations are faked, would

be to compare the published texts with his secret case-notes. This idea is as adequate as the suggestion that the sole way of learning the temperature at the centre of the sun, would be to send a space ship to the sun, dig oneself down to the centre and measure the temperature at the very location itself. Behavioural scientists do not arrive at such preposterous notions by themselves. They uncritically believe the psychoanalysts' propagandistic arguments.

§436. Psychoanalysts have for generations claimed that the *published* literature is replete with foolproof evidence, which must convince anyone not suffering from a pathological blindness. In front of a competent critic they will regularly make a volte-face: it is a fundamental feature of psychoanalytic data that they *cannot* be rendered in print, because psychoanalysts focus upon the most fine-grained nuances of the circumstances.

Mahony (1984), Macmillan (1991), Esterson (1993), Israëls (1993), Scharnberg (1993) and Schatzman & Israëls (1993) have noticed that the observations included in Freud's collected works are exceedingly few and, with a handful of exceptions, shallow and trivial. On the about 7000 pages of *GW*, half a dozen instances of de-repression can be found, and they are invariably faked. Would Freud (and his followers) really have produced such writings, if thousands of genuine instances of de-repression had been available to them? Would they, despite their zeal to defend their theory, have abstained from using their strongest weapon, if the latter had really existed?

§437. Whenever psychoanalytic dialogues are audio-recorded, any trace of repression, lifted repression, unconscious processes and, indeed, any psychoanalytic phenomena, disappears.

Such works as Lindner (1944) and Berg (1946) consist primarily of audio-recorded sessions of entire treatments. But while both writers assure that only sections of no significance have been deleted, it is easily seen that they have deliberately concealed the most important parts of the dialogues. Clearly, Lindner deleted those sections in which he by means of hypnosis implanted those memories he would dig out during the verbatim quotations.

In *Analysis of Transference* Gill & Hoffman (1989) published nine sessions with nine different patients. These dialogues give every impression of being authentic and unabbreviated. However, no trace can be found of repression or of any other psychoanalytic phenomenon. For instance, Patient H missed her previous session because her somewhat authoritarian boss had told her to do overtime. The analyst tried to induce her to realize that, if she had valued the treatment more, she would have managed to stand up against the boss. Rightly or wrongly, I think he is correct. But was mankind before Freud ignorant of, or unable to explain, such a pattern of reaction?

Many readers may miss the most crucial point. Hundreds of sessions with each of hundreds of patients were available to Gill & Hoffman. If psychoanalysts have told the truth during the last 100 years, such a considerable sample must contain an abundance of sessions providing

foolproof evidence of the existence of repression and lifted repression. And such sessions will also verify the close temporal connection between de-repression and disappearance of symptoms.

§438. One therapist after the other has invented some kind of modified psychoanalysis, which will allegedly cure schizophrenia. Each of them has been hailed as the first efficacious treatment in history, and as the first attempt in history of applying psychoanalysis to this disease. John Nathanael Rosen's (1953) “Direct Analytic Therapy” (DAT) is worth mentioning also because of other reasons. Rosen applied the classical devices of re-labelling neurotics as schizophrenics, and of claiming permanent recovery due to the therapy if the patient had a short-term incidental improvement.

Allegedly, a psychoanalyst will not deliver an interpretation until the patient is ready for it. By contrast, the direct analyst will incessantly fire interpretations against the patient, more or less like Wilhelm Stekel was thought to do. (But if this is true, Freud himself, Edmund Bergler and Dr. Lambdason - who will be described below - would rather be direct analysts.) Moreover, the schizophrenic is said to have had a perverse mother who gave no love. Apart from firing interpretations, Rosen will by his very kind and non-authoritarian behaviour give the patients the missing love.

Scheflen (1964) audio- and video-recorded Rosen's therapeutic sessions. What emerged was a brutal and authoritarian therapist, who might sit on the patient's chest or whose assistants might physically force the patients to kneel while Rosen would claim “I am God”.

The most important thing to be learned by the case of Rosen is, that dynamic therapists' descriptions of what goes on in the seclusion of their consultation room, cannot be trusted.

Chapter 58
General Remarks on the Audio-Recordings of Dr. Lambdason and Mr. Deltason

> *The psychoanalytic patient is not only the subject of the experiment. He is also the assistant of the experimenter.*
>
> Erik Carstens (non-Freudian psychoanalyst)

§439. Most studies involving individual psychoanalysts have two serious shortcomings. The therapists were inexperienced. And they knew in advance that their behaviour would subsequently be studied by other people. Renown psychoanalysts will almost invariably refuse to participate. Only in this way could they conceal that their observations are as trivial, their techniques as inadequate, their interpretations as arbitrary, and their rate of improvement as unimpressive, as those of beginners.

As for the second shortcoming: a psychoanalyst may say to the patient in the seclusion of the consultation room: “When you are talking like that, I think you are indeed talking like an idiot.” Reminded of this statement a few days later, he may roar with fury: “I have never used this word, I am not going to use it, it is an expression of your own pathological fantasies.” Or a psychoanalyst may revenge himself upon a disliked patient by writing deliberate lies in the case-notes. - It is unlikely that he would have indulged in such extravagances, if he had been aware of being a part of an ongoing study.

In both these respects, the raw data analysed in the ninth book are unique. The psychoanalyst is one of the utmost greatest practitioners in one of the five countries belonging to *The Nordic Council*, and he was always highly esteemed by professionals and non-professionals alike.

Second, when the recordings were made, neither the patient nor the analyst knew that they would later become the object of a thorough examination. (Both the patient and the psychoanalysts have subsequently given their permission to the publication of the data and analysis. In particular the analyst deserves much praise for his courage and honesty in this respect.)

§440. The raw data available to me consist of the first 11 sessions together with the case-notes of the same period. The recordings of the ninth session is unidentifiable because of some fault of the technical equipment.

The body of data used for the present analysis consists of the audio-recordings and the case-notes. Whatever information I may possess from other sources has been deliberately ignored, unless its inclusion is deemed essential.

Space considerations prevent the audio-recordings to be quoted in toto. The same excuse is valid for Scheflen (1964), but neither for Lindner (1944) nor for Berg (1946). Both the latter writers falsely claimed that only sections of no importance have been deleted. I shall go the opposite way and ask the reader to be suspicious and assume that my selection is maximally non-representative. But I shall also urge him or her to try to think out *anything which would change the overall picture, if it had really taken place and I had concealed it.*

§441. The patient and the psychoanalyst will be named “Mr. Deltason” and “Dr. Lambdason”, respectively. The former is a male skilled worker of about 30 years of age.

Next, an extended discussion (henceforth called “the pre-amble”) will follow as regards Deltason's “therapeutic situation”. This section may try some readers' patience. Regrettably, the discussion is necessary to forestall certain widespread misunderstandings.

When presenting the case, I have with a perplexingly high frequency encountered the following response: “Either, Deltason should accept whatever kind of help he is offered. Or else, he should resign himself to his present condition. It is a pathological symptom to try out any third alternative.”

This *recommendation of double passivity* seems to be based upon two axioms. First, patients and treatments exist for the sake of the therapist, not vice versa. It is not the obligation of a therapist to try to help his patients. Second, mental syndromes are just mildly uncomfortable; there is no such thing as intensive mental suffering.

The former axiom has for a century been a fundamental constituent of the psychoanalytic framework. The latter axiom seems to derive from the tendency of most analysts to select only patients with trifling problems, who really need no treatment at all.

Next to nothing is found on Deltason's symptomatology on the recordings or in the case-notes. Since there is always the risk that his identity may be revealed, I have no choice but to conceal his true symptomatology. But one will extremely seldom encounter an outpatient of a comparable degree of pathology. - To prevent the misunderstandings around the recommendation of double passivity, I shall have to construct a fictive pathology. This is no easy task, since the latter should not be misleading. I have finally decided in favour of the following two biographies.

§442. *The X-biography.* Before his treatments Deltason had not even had secret fantasies. But during his second psychoanalytic treatment the drive emerged of exhibiting himself, and he committed a number of acts. Since he could not make the second analyst change his approach, he eventually shifted to a third analyst. He carefully warned this therapist about what had happened during the preceding treatment, and explained in much detail which therapeutic interventions had produced the change. The third therapist feigned to promise him a different approach, by strongly attacking

the irresponsibility of the second analyst. Thereafter, he repeated the very same approach in a much more massive way. The result was a strongly increased frequency of the acts.

Most of Deltason's neighbours are aware of his inclination, but have so far shown much understanding and closed their eyes. But no one can know how long their patience will last. Even if a police report had no penal consequences (which in itself is highly unlikely), such a move would lead to a scandal and a ruined life.

§443. *The CH-biography* differs from the X-biography solely as to the nature of the symptom and Deltason's way of handling it. The drive which emerged during the second psychoanalysis and which (in exactly the way described above) increased during the third one, was the inclination of sexually abusing preschool children. So far, Deltason has never succumbed. Wherever he goes, he will carry with him sedatives prescribed by the family doctor. When the urge comes upon him, he will take a heavy dose. He will know that if can resist the urge for just 15 minutes, the danger will be over. But he cannot foretell whether the present equilibrium may eventually break down.

No one except the family doctor and the two above mentioned psychoanalysts know anything about his real problem.

§444. Some *true* information need be added. First, Deltason's serious pathology is of a non-sexual nature. Whatever sexual problems he may have had, none of these would call for any speedily therapeutic intervention. Second, it is not known for certain why he originally started analysis, but there is reason to think that he was motivated by a snobbish desire to “know himself”. His first treatment which lasted for years, lead to little positive or negative change. During his second therapy he *did* deteriorate at a rapid rate, but partially regained health after having dropped out after half a year. When he started his third treatment, he *did* very carefully explain to the analyst *what* had made him ill during the second treatment. And the third analyst *did* give the sham promise described above, whereafter he deliberately repeated the same interventions to an intensified degree. And Deltason *did* almost immediately deteoriate in the same direction but to a much deeper extent. He has never recovered.

During the entire century, cases have been known in which psychoanalytic treatment has caused severe harm. Psychoanalysts have usually denied the very existence of any single such case. And until recently, the academic community uncritically took their words at face value. Twenty years ago I would have had to produce a detailed analysis as to *how* we can rule out that Deltason would not have deteriorated at the very same time, even if he had undergone no psychoanalysis.

Third, the symptoms developed by Deltason had no roots whatever in his pre-therapy personality. The recurrent standard phrase that a patient could not develop any symptom, unless there was already something wrong with him, is true only in the same sense that a car running over a man could

not produce a broken leg, unless the man had bones.

Fourth, both biographies are in certain respects true analogies. We are not primarily confronted with a patient who is befallen with pain which he himself cannot stand, and who is therefore craving for sedatives or therapy. The problem is whether other people can, and will continue to, stand him.

As a fifth point I may anticipate that Dr. Lambdason perceived one of his first tasks as reducing Deltason's use of sedatives. Given the second biography, is this a responsible intervention?

Sixth, is it ethically defensible to request the patient to accept more of the very same kind of therapy which made him ill? Should we recommend Deltason to approach any further therapist with confidence, and to leave to the therapist to give him whatever kind of treatment the latter may prefer? Should we recommend Deltason to inform the therapist of all his weaknesses and, hence, give the latter every opportunity to exploit them?

Seventh, is it a wise policy to recommend Deltason just to resign himself to his present condition?

Finally, it must be admitted that the description of the entire case is sometimes inconsistent with both biographies. The reader will have to tolerate these contradictions.

But any reader who after the preamble still adheres to the recommendation of double passivity, will waste his time by reading any further part of the ninth book.

Chapter 59
A List of Problems to be Tested Upon the Audio-Recordings

> *Although there is a voluminous literature on psychoanalytic theory, there is a decided absence of descriptions of what actually takes place in the psychoanalytic office.*
>
> Jay Haley

§445. It will be more easy to follow the analysis of the case, if the reader is from the start aware of what questions I shall try to answer. The latter fall into a number of partially overlapping categories:

Logic and objectivity:

1) Does Dr. Lambdason refrain from drawing a conclusion until the supporting evidence is strong?
2) Are his interpretations thoroughly established on the basis of the clinical observations?
3) Are they based upon a wealth of observations?
4) Are these observations highly esoteric and fine-grained?
5) Are the interpretations advanced as tentative hypotheses?
6) Do the interpretations have anything at all to do with the clinical observations?
7) Are they merely borrowed from books and, in turn, mechanically attributed to Deltason?
8) Is Dr. Lambdason prepared to renounce interpretations which have flagrantly been refuted by subsequent observations?
9) Does the analyst have a thorough understanding of what goes on in the patient's mind?
10) Would Deltason come to know himself better if he accepted the interpretations?
11) Could his refusal to believe in the latter only derive from pathological blindness?
12) Does the case-notes give a true account of the oral dialogues?
13) If not, are the distortions deliberate?
14) Can Dr. Lambdason's motives behind the distortions be disclosed (e.g., self-embellishment, revenge against a ‘difficult’ patient, or attempts at consolating oneself because of real or imaginary attacks)?

The nature of the observations:

15) Can any sign of repression be found on the audio-recordings?
16) Can any sign be found in Deltason of any other psychoanalytic phenomenon (e.g., projection, transference)?

The presence and techniques of influence:

17) Is Dr. Lambdason careful not to expose Deltason to suggestive influence?
18) Does Dr. Lambdason apply such coarse techniques, that his persuasive intent is flagrant to any layman?
19) Are there indications of the psychoanalyst's deliberately attempting to deceive or mislead the patient?
20) Does Dr. Lambdason emit behaviours toward Deltason, which most individuals would consider provocative and hyper-aggressive?
21) If so, does he deliberately apply such techniques?

Dr. Lambdason's emotional reactions and personality, his self-knowledge, and his perception of his own behaviour:

22) Does he reveal any of the postulated merits resulting from a personal psychoanalysis? More specifically:
23) Is he insensitive to perceived personal attacks?
24) Does his behaviour throw any light upon those phenomena which are by psychoanalysts called “transference” and “countertransference”?
25) Does he reveal a superior understanding of himself?
26) [The alleged protection against distortion of reality provided by a personal psychoanalysis, has been listed elsewhere.]
27) Is he narrow-minded and prejudiced? [Is there a significant analogy between his behaviour toward Deltason and Freud's behaviour toward Dora? Or between his and Freud's personality as the latter is described by Scharnberg, 1993, vol. II, ch. 53? Or between Dr. Lambdason and Edmund Bergler?]

Specific therapeutic techniques:

28) Is Dr. Lambdason benevolent and detached toward Deltason?
29) Can any indication be found that he does not believe in the existence or causal power of the unconscious?
30) Does he apply the principle of similarity?
31) Does he apply the gossip theory of (psychic) disease?
32) Does he apply the illusion of separation?
33) Does he apply the psychoanalytic standard operation procedure?
34) Does he apply the postulate of the outgroup?
35) Does he apply the principle of the over-causality?
36) Does he apply the principle of prestige?

Additional topics:

37) Do the audio-recordings reveal that the observations attended to and the procedures for deducing interpretations in the seclusion of the consultation room, are the same as those found in the published psychoanalytic writings?

38) Can specific indications be found that the present case is representative?

§446. Since the questions 30-36 are concerned with *the canon of psychoanalytic methodology*, the latter should be presented immediately, as it is described in Scharnberg, 1993, II, §764:

THE PRINCIPLE OF SIMILARITY. *The cause of a psychopathological phenomenon is similar to that phenomenon. And the fact that a certain (real or imaginary) phenomenon is similar to another, proves that the former is the cause of the other.*
THE ILLUSION OF SEPARATION. *When looking carelessly at a complex situation containing numerous intertwined and not yet disentangled causal relations, the idea might occur to you (by chance or because of a prejudice), that one phenomenon A is the cause of another phenomenon B. Although there is yet no logical or factual ground why numerous other known or unknown phenomena might not be the cause of B: pretend that all other causal relations are non-existent, so that it is a proven fact that A is really responsible for B.*
THE PSYCHOANALYTIC STANDARD OPERATION PROCEDURE *consists of five sub-rules:*

1. *Start with a preconceived interpretation.*
2. *Pick up a few details here and there on the criterion that they canbe used or misused to support the interpretation.*
3. *Connect them with the interpretation by means of the principle of similarity.*
4. *Ignore all data which cannot be used as pseudo-support of any interpretation.*
5. *If data which contradict the interpretation have inadvertently been obtained, suppress them and conceal them from the reader.*

THE DOCTRINE OF OVER-CAUSALITY. *Each of two non-overlapping sets of causal factors may constitute the NECESSARY and SUFFICIENT condition of a phenomenon to be explained, in such a way that: the phenomenon will invariably occur when the former causal set is present and never when the former causal set is absent, regardless of the presence or absence of the latter causal set; while at the same time the phenomenon will invariably occur when the latter causal set is present and never when the latter causal set is absent, regardless of the presence or absence of the former causal set. In other words, there may exist several sets of causal explanations, each of which is the EXHAUSTIVE explanation. Moreover, regardless of the nature of the causal explanations, they could never contradict each other.*
THE POSTULATE OF THE OUTGROUP. *The ingroup consists of psychoanalysts and successfully psychoanalysed individuals. According to the postulate, psychoanalytic theory is valid solely of the outgroup. It has*

no bearing upon the behaviour, reactions and motivations of individuals belonging to the ingroup, and does not attempt to explain these phenomena.
THE GOSSIP THEORY OF (PSYCHIC) DISEASE. *Sick people have deliberately (albeit by an unconscious act of will) produced their symptoms for the purpose of impressing or dominating others.*
THE PRINCIPLE OF PRESTIGE. *Psychoanalytic interpretations should always be so constructed that the prestige of the psychoanalyst will be enhanced and/or the prestige of the patient will be reduced.*

§447. I do not claim originality for any of these principles, some of which may be found in print at least since 1914. Mr. Deltason is the true originator of the principle of prestige.

Patients undergoing psychoanalysis may learn much from the treatment, in particular if they are not helped or are harmed. However, psychoanalytic theory is a labyrint of multidimensional untruths at many hierarchical levels. Patients (as well as non-patients) doubting the theory as a whole, can hardly avoid retaining many false constituents. Each patient trying to develop an alternative view may therefore arrive at his own construction. Although most such alternatives are more rational than the original theory, psychoanalysts may refute any of them by referring to the diversity of all of them.

Deltason is no exception. Despite his reading of both psychoanalytic and anti-psychoanalytic literature, the recordings gives me a clear impression that he has learned things in the hard way. Probably, he perceives many kinds of traps (but not all kinds!), because he himself has repeatedly fallen into them.

Patients who are harmed by psychoanalysis usually imagine that the analysts may have misunderstood things. If it is carefully explained to him what he accomplished, and how he accomplished it, he will change his approach. Or patients may desperately beg the analyst to stop harming them. They do not know that the goal of the therapist is solely to implant certain beliefs into them, and that he is prepared to sacrifice their mental health for this goal. He is a virtuoso in beating the patient who appeals to his reason or his mercy.

Nonetheless, Deltason entertained no wholesale rejection of psychoanalysis. One may question his wisdom of seeing further psychoanalysts. But numerous sick people know little about the available options. No one seems to have informed Deltason of the existence of behaviour therapy.

§448. Deltason had no knowledge of advanced psychology. But if he had been familiar with the most recent development within cognitive psychology (e.g. Oskamp, 1982), he could hardly have behaved in a more appropriate way. When human beings are gradually presented with a steadily increasing amount of information, they may often formulate a tentative

hypothesis. When they are supplied with more information, they may often use the additional information to support their original hypothesis, *even if the additional information is completely irrelevant;* and sometimes even if the latter is inconsistent with the hypothesis. This is a universal human weakness. (Those cases in which this principle is not true, have no bearing upon the situation at hand).

This weakness may be more or less pronounced in different individuals and on different occasions. But the audio-recordings unambiguously reveal that Dr. Lambdason whole-heartedly indulges in the mechanism. In his very first statement he dogmatically asserted a caricature of Deltason. He clearly announced that any information he would be given, would merely be used to bolster this caricature.

Chapter 60
The Start of the Treatment

> *A man has a determinate illness, only, no one bothers to make a diagnosis. It's all the same what kind of a psychic illness it is. More or less, it is as if it made no difference whether it be leprosy or syphilis, to put it in drastic words.*
>
> Another patient undergoing psychotherapy

§449. As far as it can be ascertained, Deltason collaborated in the most conventional way with his first three analysts. Between the third one and Dr. Lambdason there has been a number of therapeutic contacts, which were abortive because of a variety of reasons.

When turning to the analysis of the audio-recordings I shall, because of the complexity of the subject, oscillate between a chronological and a thematic presentation.

It is not documented exactly what kinds of contact there has been between the family doctor and Dr. Lambdason. But the former assures that he supplied no information as to the nature of Deltason's illness. Before meeting the patient, the psychoanalyst knew little more than that he was seriously ill, and had already undergone several therapies.

Lambdason started the treatments with a monologue of 3 minutes 46 seconds. His tone of voice was extremely kind. But he told Deltason with much repetition, that he had got the appropriate treatment by his previous therapists. It was his own fault that he had not recovered. He was afflicted with a need of suffering, a masochistic character neurosis. He was predisposed to ruin also the present treatment. The last words of the monologue will be quoted:

L-1: You have already seen a number of psychotherapists and - you felt the result was not very good and you felt annoyed and disappointed. I will have to adapt to this fact, then. Hence I must be very careful and say nothing which may annoy you, otherwise you will once more run away and feel you have been deceived and that you have got one more proof that no one wants to help you.
[Q-449:1]

§450. The kind tone of voice and the wealth of words seem to indicate that Dr. Lambdason had formed the advance impression that Deltason is a hyper-sensitive individual, who must first of all be soothed. Inconsistently enough, it did not occur to the analyst that the content of the monologue is highly insulting. We do not know whether Deltason felt annoyed. He might have been too desperate about his illness to care about anything else than whether he would get help or not.

Q-449:1 is remarkable in many respects. Thrice a mere subjective

feeling is attributed to Deltason as to what he had experienced. It is odd that a tendency to "run away" at imaginary insults is attributed to a patient who stayed in one treatment for more than 600 hours and, despite serious harm, in another for nearly 60 sessions. The same interpretation is repeatedly attributed to him, even as late as during the seventh session. His inclination to drop out seems to be very weak, since he did not do so despite the fact that when Dr. Lambdason eventually got mad with rage and for hours roared abuse at him shouting at the highest level.

A prominent analyst cannot have been ignorant of the fact that psychoanalytic treatment will never cure mental symptoms; nor that it has in a non-neglectible proportion of the cases produced serious harm, even in previously healthy individuals. This analyst cannot have been in good faith when he blames Deltason for the "non-recovery". Even more, Dr. Lambdason has *in print* stated that the aim of the treatment is not in the least to cure any psychic ailment.

§451. Already in 1909 in letter no. 163 to C. G. Jung, Freud stated: "*In my practice, I am chiefly concerned with the problem of repressed sadism in my patients; I regard it as the most frequent cause of the failure of therapy. Revenge against the doctor combined with self punishment"* (Letter 163 to C. G. Jung, quoted in Bergmann, 1976:33, italics added).

Not until the second session is there any clear-cut attribution to Deltason of sadism against the doctor. But the self-punishment is present already in the initial monologue. Throughout more than half the eleven sessions the term "masochistic character neurosis" is iterated, often with a hyper-aggressive tone of voice which leaves no doubt that the label is intended as an invective.

§452. What happened during the first session was little more than a power contest. We may learn something about the patient's proficiency in countering psychoanalytic statements with even better psychoanalytic statements. But we shall learn nothing about the nature of his illness. From the entire period of eleven hours we cannot even gather the most trivial background data, such as whether he is married, has children, is heterosexual, has friends etc.

Deltason is in a situation where he will lose both ways. If Dr. Lambdason gets the upper hand, Deltason will undergo treatment which will not help him and may harm him. Winning verbal battles may protect him against further injury, but will not secure any help with the ailment he has already developed. The best advice would have been that he should drop out immediately after the initial monologue. But granted that he did not have the option of abstaining from help, and did not know how to find a therapist of a different kind, his strategic choice - as I perceive the latter - seems rational. He realized that it would be no use telling Dr. Lambdason anything, until the latter had abandoned his *advance diagnosis.* He tried to manipulate the analyst into adopting an ethically responsible attitude.

Rightly or wrongly, I doubt that Deltason would have abstained from

the usual patient approaches of appealing to rationality or mercy, unless he had learned in the hard way that such measures will achieve nothing and increase vulnerability. However, he seems not to have realized that Dr. Lambdason's only goal was to convert his patients into true believers in psychoanalysis, and that he did not care whether he in the same wave would sacrifice their mental health.

§453. The protracted initial monologue was followed by a long section in which Deltason mostly contributed with monosyllables and other brief reactions (“Oh!”, “Eh?”, “Is that so!”). These comments were uttered with an extremely scornful tone of voice. But Lambdason went on for another 20 minutes advancing the same kinds of interpretations with the same kind of a friendly tone of voice. Inter alia, he asserted that Deltason had refused to “co-operate” with his former therapists. If he had “co-operated”, he would not have had his symptoms today. He told that the family doctor had warned him against using a traditional psychoanalytic approach. But he found it “strange” that a “younger” colleague would “teach” an older one “how to do his job”.

Then he lost his patience and scolded Deltason for a quarter of an hour, but achieved no change in the latter's behaviour. Thereafter he gave up, said repeatedly “You are provoking me, but I will not allow myself to be provoked”.

In view of this sequence of event, it is a surprise to read the case-notes. Half of the space is devoted to the postulation that Deltason started the session by firing numerous “examinatory” questions at him. This is said to be a way of “testing” the analyst. As for the definition of the latter concept cf. L-53ff. in Q-457.

Presumably, a behaviour therapist would soon have removed Deltason's semi-aggressive attitude, by a straightforward assurance that no change would be attempted except such ones which Deltason desired himself. But while numerous psychoanalysts (and recovered memory therapists) are prone to give false promises, others are careful to deprive the patient of opportunities to criticize them for broken promises.

Chapter 61
Fragments From the Second Consultation

Mr. Deltason he is a dangerous devil who wants to crush me.

Dr. Lambdason

No one who, like me, conjures up the most evil of those half-tamed demons that inhabit the human breast, and seeks to wreastle with them, can expect to come through the struggle unscathed.

Sigmund Freud

§454. The second consultation would have been highly interesting, if our aim had been to study Deltason's proficiency in applying psychoanalytic technique. Instead I shall only discuss a few fragments.

Recall that Dr. Lambdason audio-recorded the dialogue. At the very beginning Deltason asks to do so too. The statements indicated as “almost inaudible” cannot have been perceived in the actual situation by any person with a normal hearing, other than the speaker himself.

L-11: Now we are sitting here again.

D-12: Indeed we are. Do you know, last time - . I would like first to bring up a practical matter. Last time you made certain strange statements which I would like to discuss today. And when such things are to be discussed it is fitting to have access to the exact formulation. Hence - therefore - [sounds which is compatible with packing out a tape-recorder] I have brought here a tape-recorder. Would you feel offended if I recorded.

L-13: [almost inaudible] Yes I don't agree to that.

D-14: You accept? What do you say?

L-15: [almost inaudible] No.

D-16: You don't accept? Is it so?

L-17: [normal tone of voice] Not now. Not on your initiative. But - . Anyway, I want to be the one who is to decide. - [violently and hyper-aggressively roaring] But what are you driving at with all, all these maneuvers? Tape-recorder and insults and criticisms and bizarre things. What are you driving at? Listen - this is no treatment, this is a way of - how should I put it - show me how incompetent I am and - well - test me and [inaudible] - [normal tone of voice] I am like all the others. [Q-454:1]

§455. Many readers may find it worthwhile to go through the list of 38 questions in §445 and compare them with Q-454:1.

I shall quote about half the case-notes. They give no veracious description of the behaviour of any of the persons in Q-454:1.

> "The patient's attitude is more or less the same as last time. He has brought with him a tape-recorder and asks to record the conversation in order to show what ridiculous statements the analyst had made during the last session. In particular, the patient has bothered about the unjust and meaningless criticism the analyst made last time of the family doctor. During the session the patient manages to level a series of coarse criticisms against the analyst's views and behaviour against him. All of it gives the impression of serious distortions flowing from a hateful rancorous attitude to previous negative experiences of psychoanalysts and psychotherapy. By means of a lot of hoax and prejudiced views about everything, so says the patient, will the analyst force him into som kind of streamlined analytic model, will force him into a position of humiliating dependence, will brainwash him etc. etc." [Q-455:1]

Much space could be devoted to listing other errors. While "ridiculous statements" might be an intensification of "strange statements", Deltason did not even say anything even remotely similar to the content of the last sentence. Nonetheless, I cannot help feeling that the criticisms falsely attributed to the patient are factually true. We may speculate whether they found their way into the case-notes exactly because Dr. Lambdason himself felt he had such aims. Comparable "slips" are found in Freud's writings.

§456. The next two excerpts illustrate Dr. Lambdason's mechanical attempts at applying traditional psychoanalytic techniques of evasion, despite their palpable inefficacy with this patient. He tries to evade questions by means of counter questions, and when he is told that this is what he is doing, he gets an attack of fury.

D-21: Well well. But you know - you might tell me for instance - What have you understood to be your task here really?
L-22: What have you understood it to be yourself?
D-23: Oh oh, this is to answer a question with a counter question.
L-24: But now now, it goes too -. The point is there is no future here, as it were. [Q-456:1]

D-31: But - what have you written in my case-notes for instance?
L-32: Well. - It should be what we said last time.
D-33: [laughing] What does that mean!?
L-34: Well. [roaring] My task here and your task here, this - well - if there is to be any sense in this contact, and, and - then it is that I must function as a doctor - and must give you - if you are to come here to satisfy certain neurotic needs of your, then it is - [normal tone of voice] I have no right to - I must try...
D-35: Well.
L-36: ...to stop the neurotic...
D-37: [big laughter] Well well well well well. But it would be funny if you had only discretion to decide what is and what is not neurotic about me.
L-38: You don't think your attitude *is* neurotic?
D-39: What did you say?
L-40: You don't think that your - the way in which you are contacting me here, differs from normal psychological behaviour?
D-41: [sighing]

L-42: You think it is a completely ordinary behaviour you use, as you behave here and did last time. Do you think this yourself?
D-43: Your choice of words is most interesting: a completely ordinary behaviour. [Q-456:2]

§457. The latter also tried the technique of flattering Deltason:

L-51: But if you now, you are as I understand - a man with an above average intelligence, you have read a great deal. you must have a great deal of knowledge of human nature. You must at any rate have got some kind of preliminary impression that I - as I think myself - am honest anyway.
D-52: [sighing] Compared to *psychoanalysts* in general I would indeed say you are honest. But I might perhaps say that compared to most ordinary people I don't think you are above...
L-53: [violent rattle of the chair; roaring] Now I am going to tell you something. This testing of me, because this is what it is called in professional terminology...
D-54: [laughing]
L-55: ...there would be a sense in it if you had decided - if we had planned a protracted therapy by me. Then, then it had been a much more - correct and in every way - justified to test me. Am I the kind of person whom I should have confidence in, could I count on not becoming as disappointed at him asI have been at the others and so on, because this is just too much for me. In such a situation there would be a sense about real hard tests to see whetherhe is a man who is capable of standing my bad features...
D-56: [laughs]
L-57: ...so that he will not abandon me. When moreover - we have not planned anything of the kind and I have tried to inform you that under no circumstances could I find time to accept you for any long-term treatment.
D-58: Surely but...
L-59: This testing is completely meaningless, it has no relation to reality as it were. Indeed, this is really destructive and improductive.
D-60: Yes yes. And it is funny how you are reinterpreting everything I've said into psychoanalytic categories.
L-61: No it *is* no psychoanalytic categories. These things might have been said by anyone. Anyone who knows a thing about *some* kind of psychodynamics might have said it.
D-62: Well well well well, I can list as many names as you can of people entertaining the very opposite view.
L-63: What view for instance?
D-64: Well but...
L-65: What is it in my assertion which, which - well this is just a simple description of our situation as it is and how, as it were [inaudible]. You do not answer what I say, you, you, you...
D-66: Hmm.
L-67: ...just shift the topic, the problem is that we are talking past each other.
D-68: Hmm. Indeed I do, and that is about the same thing as you do too isn't it? You mean you want monopolizing not answering my questions?
L-69: No it *is* not...
D-70: But God!
L-71: Listen, you are the patient. I am the doctor. My task is to try to be of help in some

way for your healthy ego. And not to maintain some kind of neurotic acting-out.
D-72: Indeed, they are funny such words as acting-out.
[Q-457:2]

§458. As regards Deltason's motives, my hypothesis and Dr. Lambdason's dogmatic interpretations may both be wrong. But even if the psychoanalyst had hit the mark, there is a palpable absence of evidence supporting his view. I do not know how to prove that D-52 was not Deltason's honest view. Besides, re-interpreting what may be the patient's rational but vainly strategy as his exhibiting his “worst features” seems to illustrate the psychoanalytic standard operation procedure, the illusion of separation, the postulate of the outgroup, and the principle of prestige. Moreover, neither the quoted excerpts nor the subsequent sessions are consistent with the hypothesis that Dr. Lambdason showed that he could stand Deltason's “worst features”.

Here and elsewhere the analyst seems unable to make up his mind as to whether this is a therapeutic relation or not. But could he truly have believed that anyone would agree with him?

§459. About 35 years ago psychoanalysts started research involving audio- and video-recording their treatment. Suppose the analyst and the therapist both said “You are deceiving me”. Assessing the analyst, the researchers would take it as a fact that the analyst had a true insight into the mind of the patient, and that he imparted some of his knowledge to the latter. Hence, the statement would be categorized as “Gives insight”. Assessing literally the same patient statement, it would be axiomatic to the judges (a) that psychoanalysts never deceive their patients; (b) that even if they did, no patient could possibly know whether he had been deceived; (c) that any patient statement derives from unconscious pathological structures; (d) that the patient’s conscious mind is a marionette in the hands of his neurotic needs. Hence, the quoted statement would be categorized as “Shows negative transference” or “Shows resistance”.

The result would emerge that the analyst “gave insight”, say, 173 times, while the patient “showed negative transference or resistance” the same number of times.

This is no study at all. Before the pseudo-research started, it was taken for granted that the so-called researchers knew what happened in the psychoanalytic situation. They just used some poorly understood observations to *decorate* their prejudiced views.

A scientific approach requires that *the same categories* be applied to both parts, and in the same way. Using fixed categories before the observations were adequately described, might lead to a loss of crucial information. But categorizing both the patient and the analyst statement as “attributes a negative feature to the other part”, would at least not distort the facts.

§460. Any psychoanalyst will recognize Deltason's formulations as

typical of those which analysts are accustomed to apply themselves. It would be an interesting experimental design to have subjects (psychoanalysts, doctors, other academic professionals, non-academic laymen etc.) evaluate the degree of logical coherence and the amount of aggression in each statement under two different conditions: the subjects are given true information about who said what; or all the patient statements are attributed to the analyst, and vice versa.

§461. According to the psychoanalytic definition Alphason is said to "project" a feature F upon Betason if (a) Alphason attributes F to Betason; (b) Betason does not have F [or Alphason cannot know whether Betason has F]; (c) Alphason himself has F; (d) Alphason is unaware of having F and denies having it.

As we shall eventually see: Dr. Lambdason claimed in the case-notes of the eleventh session that he knew for certain that he did not abstain from answering any question asked by Deltason, while Deltason incessantly abstained from answering *his* questions. Consequently, Deltason was the victim of projection when he attributed such abstension to the analyst.

Actually, Deltason left 42% questions without an answer, while the corresponding figure for Dr. Lambdason is 32% (e.g., L-22 and L-32). The difference is partially explained by the fact that Dr. Lambdason sometimes spoke almost inaudible when he felt hurt; some of his questions were therefore met with the response "What did you say?". On the other hand, the very same formulation (e.g. in D-39?) could be a psychoanalytic device deliberately applied by Deltason in order to get Dr. Lambdason bogged down.

All in all, however, neither the analyst's "certain knowledge" of the nature of his own behaviour, nor Deltason's unawareness, are born out by the facts. Deltason repeatedly suggests (e.g. in D-68) that both of them behave in the same way.

Chapter 62
The Third Session and the Illusion of Separation

You might suppose that the vibration of a tuning fork produces the sound, but Battell quickly sets you straight. It is the sound emerging from the fork which causes the prongs to vibrate.
Martin Gardner

§462. There is a total of four statements during the eleven sessions in which Deltason raises his voice. It is his style to beat pejorative interpretations by means of psychoanalytic devices. According to the universally agreed-upon position of the psychoanalysts, these devices could not in the least upset any healthy individual: whenever a patient becomes upset during the treatment, this reaction could only derive from internal causes.

Unless we apply *the postulate of the outgroup*, the corollary can hardly be avoided, that Deltason's statements during the first two sessions could not be perceived as aggressive by any normal person.

A scientific way of looking at things would establish that Deltason's behaviour was *the dependent variable* through the entire period. Whenever Dr. Lambdason showed no aggression, Deltason likewise showed none. Whenever the psychoanalyst's level increased, the level of the patient soon followed suit, although the increase was much more modest. Like all other psychoanalysts, Dr. Lambdason deliberately denied the causal responsibility of his own influence.

This pattern is particularly manifest during the third consultation. Dr. Lambdason had learned that his previous techniques were not effective. He completely changed his behaviour. Once more he started with a long monologue and with a very kind tone of voice. But this time he also abstained from pejorative interpretations throughout the entire session. Deltason passively adapted: since there were no psychoanalytic devices to counter, he himself applied no psychoanalytic devices.

§463. The third session is worth mentioning primarily because of Dr. Lambdason’s penultimate statement and his case-notes:

L-81: But, incidentally, today we must say that - you have really applied your restraints and self-control, and, and...
D-82: If I may say so I would perceive the matter in the completely opposite way, I think you have - tell me, do you really not think your own behaviour toward me today is different from your behaviour last time?
L-83: [something happens here, probably a facial expression]
[Q-463:1]

> "Today the patient has a more constructive attitude, perhaps because the analyst appealed to him to use the time in a sensible way if he possibly could do so. He admits at some point during the session that he suppresses his aggressive tendencies toward the analyst." [Q-463:2]

Deltason's alleged admission could only refer to D-82. But the patient clearly attributed his different behaviour to the totally different behaviour of the analyst. His view is completely born out by the audio-recordings. Dr. Lambdason's straightforward observations were however re-interpreted, perhaps in accordance with *the principle of prestige*: the absence of aggressions or semi-aggressions was *pejoratively* explained as the compromise solution between aggressive inclinations and counter drives keeping them in check.

§464. Dr. Lambdason's denial of his own causal responsibility for Deltason's reactions constitutes a typical illustration of *the illusion of separation*. (The same thing is true of the aprioristic rejection of the possibilities that Deltason's previous therapeutic experiences could have lead to his present behaviour, or that the latter could have any rational cause.)

Although we will be in a better position to answer the question when more facts have been presented, we should already now ask whether Dr. Lambdason could be in good faith. Note carefully the reservations in §414. Nonetheless, it would be more true to say that Dr. Lambdason is deliberately lying, than to explain his behaviour by means of self-deception. However, because of long-standing accommodation, he may no longer *feel* certain lies as lies. On the other hand, if he was placed in a situation where there was no rewards for lying but rewards for telling the truth, it might only take him a day to see through at least 90% of his own distortions.

Chapter 63
Deltason as a Drug Addict

Give me a specimen of the handwriting of anyone, and I shall manage to have him hanged.
Eyvind Johnsson

§465. The relation remained peaceful from the first statement of the third session and until the middle of the seventh session. I shall quote one section from the fifth session, together with most of the case-notes.

L-101: Now I couldn't follow you.
D-102: Well I do admit my grammatical constructions are poor.
L-103: But, well, I mean, you might somehow simplify the matter. I would believe what?
D-104: [sighing] I use too long sentences. I am tired, I was working all the night. But another reason is that I use to take a lot of tablets before I come here.
L-105: Am I so frustrating?
D-106: Indeed. - - You see, in a way, this matter, the tablets, is a very difficult thing, because, if I take too many tablets I cannot work efficiently - and - if I take too - few my symptoms will be so prominent that - my environment will not be able to, to stand them.
L-107: It is a matter of what kinds of symptoms?
D-108: I would rather postpone - telling this until, we have, aggrieved - agreed to - . Moreover I have already increased my daily dose of phenemal from 100 to 500 mg during the time since I started here.
L-109: You have taken 500 mg phenemal today?
D-110: Five tablets, that's correct. I do not become equally tired from phenemal as from valium so I prefer - I think I should have to, be alert, rather alert when I...
L-111: But then it is a highly artifical Mr. Deltason one will meet here.
D-112: I thought you had understood it already.
L-113: No I hadn't understood it.
D-114: Well I thought my poor grammatical sentences and my incessantly losing the thread, difficulties of concentration, of completing sentences, and such - would indicate that something is wrong.
L-115: I haven't noticed that, actually.
D-116: Well.
L-117: I am so trying that you feel you must load yourself with 500 mg phenemal before you come here?
D-118: Well, it cou-, it could have been valium also.
L-119: But then we may say you feel a need to load yourself with some drug before you come here.
D-120: Load myself is your expression.
L-121: Yes it's my expression. - - But this must mean that you either feel disquiet or insecure or vulnerable or something...
D-122: Yes.

L-123: ...when you come here and think I am going to hurt you or...
D-124: Hmm.
L-125: ...so that you must defend yourself.
[Q-465:1]

This sequence of events is described in the following way in the case-notes:

> "Rather soon, at the beginning of the session the patient states that he today, before he came here, took 5 mg phenemal, a considerable dose. During the session it is indeed conspicuous how groggy the patient is, his speech is somewhat thick, he loses the thread in the middle of a sentence, he shows a listless, meaningless and irrational aggressivity. [...] According to the view of the analyst the use of such large doses of sedatives, is a serious threat. Hence, the most important task would be to help him stop using barbiturates and instead prescribe drugs of the phenotiazine type, in so far as the patient will need them to alleviate his anxiety." [Q-465:2]

§466. Six other medical doctors have listened to the recordings, and all agree that there is no trace of a thick voice or any other sign of influence of drugs. No one could during the eleven sessions find any instance of difficulty in concentration or of losing the thread. The number of slips and incomplete sentences is certainly greater in Dr. Lambdason than in Deltason. For instance, what should we think of the following statement:

L-131: Don't you realize how - how, how, how, how, how queer it is?
[Q-466:1]

Or take a look at L-171 in Q-475:1.

It might be part of Deltason's illness to underrate his own performance. But we cannot exclude the possibility that he *rightly* evaluated his present level as inferior to *his own pre-therapeutic* level.

L-111, L-113 and L-115 may give a clear impression that Dr. Lambdason was genuinely surprised. He had on his own noticed no sign of influence by drugs. Psychoanalysts may feign ignorance and surprise; but such techniques are highly unlikely in the present context.

§467. Nowhere has Deltason claimed to suffer from anxiety. And during a later session he explicitly denied having this symptom.

The following pattern is recurrent. A patient will start psychoanalytic treatment, either because of a minor ailment or because he wants to learn to know himself. After some treatment, he will develop a severe psychic disease, and will see another doctor to obtain sedatives. His neurosis and his pharmacological dose may increase. When the psychoanalyst learns what is going on, he will refuse to change his treatment. It is a sheer impossibility that Dr. Lambdason is not familiar with this pattern.

He omitted from the case-notes that Deltason's dayly dose had increased five times since the start of the relationship; there had been 4 (four) preceding sessions.

§468. What about the patient's "listless, meaningless and irrational aggressivity"? Having carefully searched through the entire session, I can find only one constituent which Dr. Lambdason could possibly have in mind: Deltason took medication to be able to stand the treatment. Dr. Lambdason felt deeply hurt by this information. (His reaction is confirmed by his tone of voice, but I prefer not to use such data which many psychologists are accustomed to misuse.) In accordance with normal psychoanalytic methodology ("any effect produced was an effect intended"), he inferred that the patient had the aim of hurting him.

Digression. Suppose Deltason was 5 months or 5 years later tried for a petty or a large crime. Suppose that the case-notes were presented to the court, with or without the support of the testimony of Dr. Lambdason. Whether Deltason was or was not already familiar with the case-notes: who would believe his assurance that he had showed none of the postulated reactions?

Chapter 64
The Turning Point of the Seventh Session and the Proofs of Deltason's Masochism

- Did you win your case?
- No. The lawyer had things so twisted that it was me who had bitten the dog.
Storm-P.

§469. If Deltason was more skilled than Dr. Lambdason in short-term verbal battles, he was inferior in long-term strategies. He fell into a simple trap. When the analyst radically changed his behaviour from the third session onwards, Deltason started to behave more and more like an ordinary patient. He provided more and more information, primarily about his previous treatments. This information is still rather shallow. But it is considerably more intimate than anything found during the first two session. I doubt he would have given that much, if he had known what Dr. Lambdason wrote in the case-notes, or if he had foreseen what would eventually happen.

The psychoanalyst concentrated on building up a feeling of confidence. Had this development proceeded, Deltason might eventually have become highly vulnerable.

The entire sixth session and the former half of the seventh session are the only ones agreeing with the conventional pattern of psychoanalytic dialogues: very long patient statements and brief analyst statements.

§470. But in the middle of the seventh session Dr. Lambdason suddenly destroyed what he had built up during 4½ hours. Unambiguously, his intervention was not planned. Like Freud, Lambdason had for many years been in the habit of *indulging* in his emotional whims of the moment, which he conceived of as an instrument of detecting the secret motives of other people. He was very easily hurt, even by the most trifling and ordinary remarks. But whenever he felt hurt, he attributed to the source a demoniac intention of hurting him. If such reactions as his were observed in a patient rather than in a doctor, numerous psychiatrists would draw conclusions which politeness forbids me to repeat.

From the start of the seventh session and until the section I shall quote in a moment, Deltason contributed with 2222 words (=82%) and Dr. Lambdason with 415.

§471. During a brief talk about other psychoanalytic schools:

D-141: I was told at the X-library that you use to borrow many books by those guys who call themselves existential analysts.
L-142: Oh. - That’s wrong.

D-143: Oh it’s wrong? Well yes indeed, you do not at all make the impression of having much interest in...
L-144: There you see how much you can trust. You are arranging the matter like a horse race when you go to the libraries. - - Well well, I must say!
D-145: Well and what.
L-146: This contributes to your characterization of me.
D-147: Concerning the last thing this is not true at all, I have nothing against these people, I think rather they are better than the Freudians, so that, if I may say so - I was disappointed if anything or, it contributed to my characterization of you to realize that the information from the library was false. Because this is quite apparent. Well then - there were only two possibilities, well, either he must somehow have over-estimated the proportion of existential literature you read, or else you could not have grasped much of it. But - . [something must have happened here; a facial expression?] Well if you feel hurt you may...
L-148: No I only feel pity for you.
D-149: Well.
L-150: That you need go sneaking around at libraries for your therapists' habits, their reading habits.
D-151: [laughing]
L-152: This is a queer trait.
D-153: [laughing]
L-154: Well if you think you may get a therapist by such methods - surely, this is *really* masochistic, certainly. Indeed, it is like a boumerang with which you are hitting you own head on the nail.
D-155: But this is such a, is most queer, you don't even know whether I have been sneaking around or whether I was told so without having done anything myself to learn about this. You do not even know whether I got the information at a time when I had any current interest in you as a therapist, or during some period when I had no reason at all. But you have immediately drawn your conclusion.
L-156: Why, it's your nature to take down a protocol and so on, I mean - you feel a need of keeping your therapist under strict supervision.
D-157: [laughing]
L-158: Which of course obstructs any kind of sensible therapy. Self-evidently. Why, this is a thing you do not understand either, you who are an intelligent man, that it is, why, a, an, acting-out which from the very beginning makes impossible all sensible therapy.
[Q-471:1]

§472. Many patients select therapists by strange procedures, and might better have used the head-and-tail method. But even if Deltason had been “sneaking” at libraries, why should anyone feel hurt? I might see a psychoanalyst who might say, “I was told by the Educational Library that you borrow much literature by Clark Hull”. What would most analysts think if I copied Dr. Lambdason's answer?

It *is* a classic psychoanalytic device to feign ignorance, and Deltason must be suspected of being acquainted with it. His comment is however found in the section in which he shows a most positive attitude to the analyst. It is a more likely hypothesis that he confused the names because they meant nothing to him when he got the information. Most people are

regularly, and without taking any initiative of their own, told all kinds of things about people whose names they barely know.

Like so many other patients, Deltason wrote a diary during his first treatment, apparently being eager to save every word of wisdom emitted by the analyst. It is this diary which is depicted as a “protocol” aiming at keeping the therapist under strict supervision.

Many of Dr. Lambdason's interpretations may certainly instigate laughing. But Deltason's laughing could be compensation because of despair at obtaining a competent and responsible therapist.

§473. Before proceeding with the seventh session a brief excerpt from the third one must be quoted and its background outlined. There is little doubt that any well-trained psychoanalyst could speedily cure a very large part of the injury produced by himself or his colleagues. The real obstacle is the clash of the goals of Deltason and his therapists. Under the pretext of helping him with his ailment, Deltason's analysts aimed at making him a proselyte of their favourite theory. He was probably too sick to care much about whether he came to believe in one or the other theory. But he was not prepared to substitute the goal of symptom removal with the goal of believing specific things.

If the deceptive part of psychoanalytic treatment is removed, literally nothing will remain. Deltason seems to have erroneously thought that there is a genuine substance and that the treatment is *accidentally* associated with deception. Hence, it must be possible to cut away the false shell and retain the true core. At his present stage he absolutely requested a non-therapeutic relation preceding the therapeutic relation, so that agreement could be reached about the goals of the treatment; or, if agreement could not be reached, no therapy would start. He was invariably met with the attitude: “Now I must find some deception strategy for manipulating a patient with this wish into the kind of treatment *I* prefer to give him.”

Deltason did not know that an honest therapist could reach such an agreement in a quarter of an hour. He suggested ten hours pre-therapeutic relationship.

§474. The aim of the following excerpt is not to illustrate the patient’s attitude, but to document the psychoanalyst’s contradictory interpretations on different occasions.

L-161: What kind of therapy is it that you wish?

D-162: Well, I started several of my earlier therapeutic contacts by telling that, and by suggesting that we during ten hours do what I want to. Thereafter the therapist may decide whether he is willing to continue. But you know yourself that if a patient begins a relationship in this way, it is considered some sort of an anal-neurotic mechanism of resistance.

L-163: This is a misunderstanding. Such an approach differs from what patients usually do. But it is absurd immediately to apply a stereotype. Such a behaviour may derive from many different causes. Among other things the one which suggests itself most easily, if one knows that you are disappointed and feel deceived by a number of

therapists, that you want some kind of feeling of security. Why, this is - need not apply anal or verbal or the devil may know what, but a quite ordinary human explanation.
[Q-474:1]

§475. And now we shall return to the seventh session. Twenty-seven statements after Q-471:1, Dr. Lambdason's aggressive attitude has raised to this level (where I have done my best to translate the linguistic misconstructions of the original text as exactly as possible):

L-171: Since you are so destructive, both self-destructive and destructive against your environment, and, why, have sort of not, your neurosis - I take the liberty of advancing a hypothesis. Your neurosis is of such a nature that from the very start you will jam any possibility of a meaningful and realistic collaboration with a therapist.
D-172: Well. - Listen, I would take the liberty of saying that things are exactly the opposite way.
L-173: Oh oh. But then this, you see, we do not understand each other.
D-174: No.
L-175: How would you understand anyone else, I am certainly one of the oldest and most wise analysts in X-town.
[Q-475:1]

After another 40 statements:

D-181: Well, for instance this thing that in order to obtain a real connection with a therapist I must first have some kind of a non-therapeutic relationship.
L-182: This is a wishful dream divorced from reality. A therapist may of course modify his technique and not start immediately to penetrate the unconscious - keep things at a more ordinary human level. But he is continually aware of being a therapist. He is continually aware that this is a therapeutic relationship, but he may, as it were, change his behaviour so that you will not run away.
D-183: So that I will not run away?
L-184: Yes.
D-185: I am not sure I understand what you mean.
L-185: Well, a therapist may think as follows that - oh yes, I realize that this patient is so scared that he cannot stand a more conventional variety of initial contact. Therefore I must be careful, and not poke too much in his unconscious - he must at first feel a secure - he may to a greater extent keep things more on the conscious level - so that you will not run away.
D-186: It is exactly the last thing I do not understand.
L-187: [at first with a wounded tone of voice, but gradually more angrily] Then you award me a “non passed” because I think you are a masochist. This is just another way of showing me that I do not grasp anything, this is a typical feature of those masochistic people and everything I have seen here and heard here makes me more and more convinced of your being a masochist. I take the liberty of *guessing* that. Each time I deliver this interpretation you award me a “not passed”. [Q-475:2]

§476. Here, the reader would do well in looking back at the Oskamp analysis in §448. It would be hard to find a more extreme and well-documented example of a professional within any field, who arrived at his conclusion before any evidence had emerged, and then used all subsequent information to bolster his initial hint. - The “run away” interpretation was presented already in the psychoanalyst's very first statement. A patient who did not drop out despite of so many insolences, must have a weak inclination of running away.

After 13 more statements the analyst is *roaring*.

L-191: No, analysts don’t give a damn about all theories, they just feel that this is a person who is hostile. They feel that Mr. Deltason he is a dangerous devil who wants to crush me.
D-192: But you see, they will say so because of theoretical considerations...
L-193: No, no, no and no. This is what they feel in their bones.
D-194: Indeed, I do think they feel this in their bones, but it is just that - well, just because the theory...
L-195: No. No. No. You are wrong. This is a primary human reaction.
D-196: No.
L-197: Independent of all bloody theories.
D-198: This is absolutely false. Non-psychoanalysts do not feel this reaction.
L-199: They do not grasp anything at all about such things. Analysts are used to consult their counter-transference, the others are not. They are so bloody ignorant. They just talk rubbish. It is quite possible that they do not feel that you are a masochist but how would they be able to help you then?
[Q-476:1]

Chapter 65
More Proofs of Deltason's Masochism: the Eighth and Tenth Sessions

> *When standing behind the scenes one will see that the greatest and most fascinating deeds are produced by the most base motives and by good-for-nothings who, if they had shown themselves in public as they really are, would only have incurred the resentment of the spectators.*
>
> Frederick the Great

§477. The main difference of the eighth session is that the psychoanalyst is roaring in an even more unrestrained way. I shall quote only two brief excerpts.

L-201: Don't you see, it is logically incompatible, it is contradictio in adjecto. I cannot say that it - fuck it! - what should we take - well something, a Volkswagen is the goddam filthiest car that exists, one will kill oneself by driving it, at the same time I would never sit in a Volkswagen - [hysterically] *What's the price of a Volkswagen I would like to buy one?*

D-202: Well well.

L-203: Do you see, it is something like that you reason,

D-204: Well, now I think I would like to say that you yourself are neither accessible to the most simple...

L-205: Of course not, but this is a common dodge.
[Q-477:1]

Rather interestingly, the famous patient Anna O., not Freud's senior co-therapist Josef Breuer, was the one who suggested the kind of treatment she got. According to the official (but false) myth, she recovered from the self-chosen variety of therapy she received. A number of patients have persuaded psychodynamic therapists to try out behaviour therapy. The results comprise the entire scale from high to very little success. But they are seldom inferior to the success rate achieved by the same therapist's conventional approach.

Consequently, it is difficult to see why Deltason's wish should be contradictory and inherently absurd. His ideas were modest: agreement that the aim of the treatment is to remove his symptoms, and that specific interventions should not be applied which were already known to harm him.

§478. In Q-477:1 and elsewhere Dr. Lambdason claims that from the very start he was never prepared to make any departure from his usual approach (except in the beginning and as a means of winning the patient's confidence). With this attitude, the only responsible measure would have

been to inform Deltason, so that the latter would not waste some months on a relationship which could only be abortive.

We are here as the core of a fundamental aspect. Psychoanalysts look upon their patients as a kind of inferior creatures, whose conscious reasoning is a marionette in the hands of their neurotic needs. A lucid description of this attitude is provided by Freud:

> "In his efforts for opposition at any price, he [= the patient] may offer a complete picture of someone who is emotionally imbecile. [...] his critical faculty is not an independent function, to be respected as such, it is the tool of his emotional attitude and is directed by his resistance. If there is something he does not like, he can put up a shrewd fight against it and appear highly critical; but if something suits his book, he can, on the contrary, show himself most credulous." (GW-XI:303/SE-XVI:293) [Q-478:1]

Psychoanalysts think they have the right and obligation to deceive any patient into submitting to *their own* treatment, even if they know the treatment will not help and may do serious harm.

§479. In his first statement in the second excerpt Deltason hit the nail on the head:

D-211: Tell me one thing in a straightforward way. Isn't it true that you would think it would be a terrible outcome if I were cured of such things that I myself consider pathological, but not of such things that you...
L-212: It is precisely because of such ideas we cannot talk together.
D-213: Well. But - but -
L-214: Well then I would be a - really sick person. Then I would possess so much aggression that I exploited my patients to satisfy my private neuroses.
D-215: Oh no this...
L-216: There you are probably projecting a part of your own complex of problems upon *me*. Because this is what *you* do. You exploit the doctors - in order to, so to speak, to feed your neurotic need of destroying. And then you accuse me of, doing the same thing.
D-217: Well as a psychoanalytic interpretation this one is perhaps acceptable. [Q-479:1]

With a boring monotony the same arbitrary interpretations are iterated. In L-216 Dr. Lambdason, just like Freud, falsely attributes to the patient what is most distinguishing of himself. - Note that the analyst avoids a straightforward denial in response to D-211. His first answer might well be a misleading truth: we cannot talk together because you see through the conventional tricks. - The question whether a psychotherapist must be "sick" or "evil-minded" in order to adhere to the rule implied in D-211, is difficult. But my personal position is that this problem must be attacked in much the same way as the problem of deliberate lying, cf. *both* §414 and §428.

§480. In difficult negotiations where both parts have a serious wish of arriving at a result which both may accept, one of the more prominent

strategies is to try to find some facts or other entities which both may agree upon, and take these as the point of departure. Perhaps the common area might gradually increase?

Given Dr. Lambdason's attitude, it would be vainless to try to find any non-trivial statement which both of them could agree about. More than eight sessions were wasted because the therapist incessantly worked on the task of making the patient obedient. There is certainly a justification for the latter's two proposals in his first statement at the beginning of the tenth session:

D-221: Well but we might search for a point of agreement. So far, you started almost every session by suggesting that we try to arrive at some constructive result. I wonder whether it might be a better idea to accept instead that a few sessions be wasted, and then see whether something might emerge on its own accord.

L-222: I don't think so. I don't think it is any use because you, your behaviour is so very destructive that I see no sense of such a relationship. You will be unable to use the time, nothing will happen except that I will be the target of your aggressions. I refuse to be the target for you.

D-223: My own feeling is that my motives are essentially different.

L-224: Yes of course, but it is a common phenomenon that people rationalize away their neurosis. - - What alternative motivation could you possibly have?

D-225: I think psychologists are rather familiar with the fact that the same kind of behaviour may derive from many different motives.

L-226: There you see indeed, you cannot suggest any alternative motivation. You are acting out your masochistic pseudo-aggressions and are trying to annihilate one therapist after the other. You have a bloody job in fighting me.

D-227: No, one cannot say I am fighting you. I am fighting certain properties of yours.

L-228: Well then but there is no sense in it, you cannot *change* me. I shall have to protect *my* integrity. It is also a subjective problem. You are brainwashing me.

D-229: Perhaps your conception is not altogether wrong.

L-230: Your destructivity is so unrestrained. Indeed, it is a typical feature of masochists that because they don't give a damn about their own life, they may easily destroy that of others.

D-231: But then, this means that you suppose I am *really* a masochist.

L-232: Of course.

D-233: If you for instance would try to work on the basis of some other...

L-234: No. I am assured by my experience and my training that you are a masochist. I feel it in my counter-transference. If this is not masochism I'll be damned if I know what masochism is. To provoke a benevolent person to reject oneself - this is masochism.

D-235: How did our relationship start?

L-236: Well but it's no use, now you are starting all this intellectualization. And this is a way of defending yourself. By all your intellectualizing defenses you are trying to shift the blame on me.

D-237: May I ask you a straightforward question. Do you think you - can see any positive features about me?

L-238: Of course, you have many positive traits, it's just that most of these positive features you have, your neurosis has put them into the service of masochistic self-destruction.

D-239: In other words, you mean I have no actual positive features?

L-240: Probably you have. All people have. It's just that the positive properties, you are using them to destroy yourself and your environment.
[Q-480:1]

Recall from Q-455:1 that Deltason was falsely said to have accused Dr. Lambdason of trying to brainwash him.

Chapter 66
Deltason's Cognitive Defects and the Eleventh Consultation

Zweifle an der Sonne Klarheit,
Zweifle an der Sterne Licht
Leser, nur an meiner Wahrheit
Und an deiner Dummheit nicht
Wilhelm & Caroline Schlegel

§481. The eleventh session constitutes the climax. Most of the time Dr. Lambdason is roaring, and has completely lost control of himself. Few of the statements need any comments. Because of the analyst's superlative terms, we can only guess whether the papers referred to were really "a lot" or a single page. And we do not learn what they might have been.

The analyst's recall is less than perfect. Deltason did not say a word about the therapist having evaded anything during the present session. When, after a series of roaring interruptions, the patient forgot what was talked about before these attacks, a psychoanalytic interpretation is ready for him:

D-251: Whenever I asked for a comprehensive comment you have always evaded.
L-252: Yes it is always me evading, there you see, there you are critical again. These are your pseudo-aggressions.
D-253: But try to listen just for a minute. I think we should return to what I said last time. I suggested, when two people cannot come into touch with another, they should focus exclusively upon the question what is true or not true, and ignore everything else.
L-254: *This is not a philosophical seminary!!* [a few sentences are unidentifiable because both are talking at the same time] *This is a therapeutic situation and what is truth, you should go to a philosophical seminary.*
D-255: For instance, it is possible that if we would focus on what is true, we might much more speedily come into touch.
L-256: I don't believe so, because your conception and my conception of truth, they are rather discrepant.
D-257: So it is, there is no doubt about that. But just now and just here you may observe one more example of the fact that the difference between you and me is not in the first place a matter of truth. Instead you insert a statement, well, when I say anything, your answer has nothing at all to do with the question whether it is true...
L-258: I make one concession after the other, you make no concessions. Please!! Expound your view of the truth!!
D-259: A moment ago I accused you of evading...
L-260: *What am I evading? Tell it now!! You are the one who is evading all the time, but you - well, project in onto me! You have now asserted that I am evading,*

you are going to prove it now!!

D-261: [sound of rustling of paper for 1½ second]

L-262: We are talking about *now*, not about a lot of papers!!

D-263: [laughing]

L-264: *In what respect am I evading just now!!?*

D-267: What did I ask about?

L-268: *Just here it is clear as daylight!! You don't remember a word because you are intoxicated!! You need have your addiction broken!! One cannot perform psychotherapy with a man who takes so much medicine!! You don't WANT a break!! You are not ABLE to be broken!!* I am going to tell [the family doctor's name] that Mr. Deltason he cannot keep his thoughts together because he is a little loony.

D-269: It is nice that you can see it in that way.

L-270: Once more you are again there with your aggressions!! Don't you realize how you are provoking me!? Precisely by this ironic smile. Supercilious...

D-271: Would you prefer me to turn the chair around, so that you don't have to see me?

L-272: [collapsing, with a very faint and desperate tone of voice] But why are you doing this?
[Q-481:1]

Later:

L-281: Why, you are an exceptionally polite and nice and friendly patient Mr. Deltason.

D-282: Did you see, now you are again leaving the question what is true and what is not true and...

L-283: But don't you see yourself that now you are there again with your provoking aggressive attitude?
[Q-481:2]

§482. And now to the case-notes of the same session:

> "Eventually, he becomes *extremely aggressive*, and is *using offending invectives in his usual style*, shows a supercilious and ironic smile and *wants to structure the situation like a schoolteacher who is teaching his pupil what horrible blunders the latter has done and how stupid and unintelligent he is*. The analyst takes this as an occasion for trying to show the patient his pseudo-aggressive attitude as a link in masochistic character neurosis. *The lack of coherence of the patient's argumentation, his inability of pursuing his reasoning without getting off the track and ending up in abstract reflexions*, seem to indicate a palpable psychopathological mental disturbance, probably enhanced by the high doses of barbiturates. There are *ample projective tendencies*: the patient accuses the analyst of never giving any real answer but instead evading the question, that the analyst is dishonest, that *he is using a host of legerdemains and dodges* etc., A THING THE ANALYST KNOWS FOR SURE IS NOT TRUE OF HIMSELF, BUT SO MUCH THE MORE CONSPICUOUS AS REGARDS THE PATIENT. The climax of the patient's aggressive way of relating is reached, when he accuses the analyst of suffering from paranoid mechanisms of a serious nature.
> [...]
> Diagnosis: Pseudo-aggressive character neurosis with ample paranoid mechanisms

and periodic intoxication of barbiturates." (italics and capitals added) [Q-482:1]

§483. The sentence in capitals has already been sufficiently analysed in §461. Words such as "dishonest", "legerdemain", "dodges", "brainwash" "paranoid" are no part of the patient's verbal repertoire, as it appears on the recordings. One might say that some of them are implied. But Dr. Lambdason explicitly accused Deltason of using a "dodge" (L-205 in Q-477:1), of "brainwashing" him (L-228 in Q-480), and of "projecting" (L-216 in Q-479:1, L-260 in Q-481:1).

I try to avoid the word "projection" for two reasons: (a) because of its psychoanalytic surplus meaning; and (b) because many readers may spontaneously conclude that I have thereby admitted that Freud made a true and valuable discovery. Numerous people do not know that the empirical part of the concept was known more than 100 years before Freud was born.

All the italicized formulations in Q-482:1 seem to me to be clear-cut instances: Dr. Lambdason attributed to Deltason things he himself possessed to an extreme degree, but which he was [reflexively] unaware of possessing; while the patient gave no indication of having them.

Apart from Freud's case-study of Dora and Edmund Bergler's book on homosexuality, I know of no comparable wealth of "projective mechanisms".

Even if the psychoanalyst's basic diagnosis had been correct, he did not realize that Deltason would never have been able to understand such abstract terms as "masochistic character neurosis" and "testing". He would have no prospect of recognizing any such entities in his own mind.

Chapter 67
Encompassing Conclusions and Reflexions

The earth hath bubbles as the water has,
And these are of them,
And what seemed corporal melted
As breath into the wind
William Shakespeare

§484. Strange people can be found within every profession. But Sigmund Freud, Edmund Bergler, and Dr. Lambdason belong to the highest esteemed international or local psychoanalysts.

A doctor might say to his patient: “I can see from the X-ray photo that your pain is caused by a 7 mm long kidney-stone. I am going to remove it by a surgical operation, and then you will feel no more pain.” The patient might answer: “I don't believe a word of what you say.” The doctor may think: “I don't care what you believe. After a week the facts will speak for themselves.” It would be difficult to imagine a surgeon who shouted: “If you are not prepared to believe in my diagnosis, get out immediately.”

If Freud told the truth, he had an abundance of clinical experiences to the effect that the facts would invariably come to speak for themselves after a few weeks or at most a few months. Then why did he threaten to throw out G. de B., when she refused to believe his interpretation that her father had performed fellatio upon her in the craddle?

Bergler (1937:153f.) observed the general tendency of people to believe any statement which is asserted with great force and obstinacy. It is, he says, by exploiting this rule that psychoanalysts convince their patients of their interpretations.

If Freud and his followers had honestly believed in the phenomenon of lifted repression, no psychological motive can be imagined as to why Freud treated G. de B. as he did, nor why Bergler was tolerated as a teacher at a series of prominent psychoanalytic training institutes. Likewise, the present audio-recordings prove that Dr. Lambdason did not believe in the existence or causal power of the unconscious.

§485. What has clearly emerged from the study of the ninth book is, that the official postulations of what happens during psychoanalytic treatment, are completely false. Dr. Lambdason's numerous personal psychoanalyses had supplied him with none of the alleged virtues. It would cost some labour to find a comparable *non-psychoanalysed* individual. He has an exceedingly low knowledge of himself, and indulges in distortions of reality for the purpose of feeling better (but will more often feel worse

because of these distortions). He has a microscopic insight into his patients' minds and troubles. He is a narrow-minded and fanatic believer in a theory. He will mechanically impute pseudo-scientific interpretations upon his patients, which he has borrowed from books (primarily from Edmund Bergler's *Curable and Incurable Neurotics*). The interpretations are asserted ahead of any supporting evidence. And any observations which eventually emerge, are misused to bolster the advance interpretations.

As a passtime one might list all his own “masochistic” traits. He suffered strongly because of imaginary insults, but also because of Deltason's genuine technical proficiency. He would probably have felt much better if he had not incessantly tried to subdue the patient.

The main reason why I attribute no paranoia to him, derives from the following considerations. Rightly or wrongly, I think he would soon stop feeling hurt at imaginary insults, if the general atmosphere would change, so that this psychoanalyst would no longer be respected, esteemed and rewarded because of his “ability to detect evil-minded motives”.

§486. One very important thing to be learned from the study is related to the so-called *transference reactions*. Patients undergoing psychoanalysis will regularly have outbursts of impotent rage. Psychoanalysts universally agree that literally nothing in their behaviour could stimulate even petty negative feelings. They are just “innocent bystanders”, a “screen” upon whom emotions are “projected”, which exclusively derive from “internal” processes.

It is difficult to conceive of Freud, Bergler and Lambdason as innocent bystanders. But when Dr. Lambdason was the target of psychoanalytic techniques, he manifested the impotent rage usually named transference.

Numerous psychoanalysts apply much more sophisticated techniques of persuasion. But Lambdason belongs to the true heirs of Freud's own approach. Besides, the fact should not be forgotten that we do not know *how many other* psychoanalysts will likewise shout, roar and scream when there are no external witnesses.

Moreover, the study proves that case-notes cannot be trusted. They may well be a place where the frustrated therapist may revenge and consolate himself by writing coarse untruths.

Such studies as Macmillan (1991), Esterson (1993), Israëls (1993) and Scharnberg (1993) have proved what should be on the surface for anyone to see, viz. that the secret observations gathered in the consultation room are as scarce, shallow, and unimportant, as the published ones.

Chapter 68

The Relevancy of Traditional Adult Psychotherapy For Indoctrination of Children and Recovered Memory Therapy, and the Superior Understanding of Clinicians

- I can call spirits from the vasty deep
- Why, so can I, or so can any man;
But will they come, when you do call for them?
William Shakespeare

§487. The case of Deltason is about the therapy of an adult person. And no attempts were made to make him recall any event of sexual abuse.

But none of these features retracts from the relevancy of the case. The crucial aspects are (a) that the therapist made massive attempts at implanting into the patient those ideas which the therapist entertained in advance; (b) that these ideas were not only wanting in empirical support, they were manifestly false; (c) that this therapist, just like all other psychodynamic practitioners, claimed to be very careful not to expose his patient to any suggestive influence; any belief which the patient would eventually develop, would completely derive from himself; and (d) that this therapist, just like all other psychodynamic practitioners, claimed to be very careful not to draw any conclusion nor deliver any interpretation, until the supporting evidence was foolproof.

Dr. Lambdason, who was always highly esteemed by his colleagues and others, was a traditional psychoanalyst. Contemporary incest therapy and recovered memory therapy are by its practitioners explicitly claimed to be the direct offspring of psychoanalytic theory. They will make exactly the same four claims listed above. They will agree that these claims are true not only of these recent variants, but also of Freud and his followers during the first three quarters of the century.

This pattern of facts constitutes strong reason to conclude that neither the incest therapists and the recovered memory therapists are trustworthy, or even in good faith.

§488. The second topic has to do with expert witnesses in the court. If such a witness is a psychiatrist or a clinical psychologist, judges are strongly inclined to perceive him or her as a person equipped with a super-human capacity of seeing through people and disclosing the ultimate truth. Statements which the judges would deem to be flagrantly unconvincing if emitted by other people, may be uncritically accepted if advanced by a clinician. And even the strongest evidence may be rejected with the stroke of

a hand, if the expert is trained in some non-clinical field.