Max Scharnberg

Textual Analysis of a Recovered Memory Trial, Assisted by Computer Search for Keywords

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Abstract

This book has two aims: to describe techniques for the analysis of legal evidence, which are valid and independent of specific features of the investigator; and to apply these techniques to the Södertälje case, which has hitherto neither been subjected to a logical nor a critical analysis. All pre-trial information, inter alia 40 police interrogations of the injured party ("Elvira"), was scanned into one single document of 245,000 words. The following cardinal results were obtained:
(1) The foster mother knows literally every event Elvira "had experienced" several months before Elvira knows and confirms them. This pattern proves that the foster mother is the person who had fabricated and indoctrinated the assaults.
(2) The number of assaults may be around 250. Elvira has given concrete descriptions of only 12. This is important because Elvira claimed that her two-year-younger sister was an eyewitness of 11 of the 12 concrete assaults. At 7 concrete assaults there were additional eyewitnesses. – All alleged eyewitnesses deny that they have seen or experienced any indecent behaviour.
(3) When the five judges of the court of appeal presented their justifications for the verdict on pp. 42 and 44 of the written judgment, they had grossly false recollections of both the mother's testimony in the very same court, and of their own account of the latter on p. 22 of the same judgement. As a result they succeeded in convicting the father of a large number of assaults of which Elvira had never accused him.
(4) During the three months that preceded the first police interrogation, four meetings occurred. At each meeting Elvira absolutely denied having any recollection of sexual abuse. She denied the same thing during the first police interrogation. But here she was also absolutely sure that no assault had occurred during the last 5½ years. (Her psychotherapist confirmed that Elvira did not recount any concrete events until after the first police interrogation.)
No trace of the crimes for which the father was convicted can be found in any of the first four police interrogations.
Twenty-seven judges found the father guilty. None of them detected the cardinal facts.
Many other important results were obtained, and some other cases were also studied. Further topics discussed are the judges' responsibility for false verdicts, and how such mistakes can be avoided.

Keywords: Sexual abuse, textual analysis, witness psychology, legal evidence, statement validity assessment, sham evidence, ritual abuse, child murder, false memory syndrome, recovered memory therapy, false evidence, perjury, expert witness, computer analysis, false allegation, temporal relation, posttraumatic stress disorder, Snow-White syndrome, case study, Södertälje-case

In memory of

the late Minister of Justice

LENNART GEIJER

one of the greatest humanists in the Swedish Government

and to

the present Chancellor of Justice

GÖRAN LAMBERTZ

for his thorough scrutiny of many false convictions

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

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Tables and Figures:

Date	*Elvira*	*Mollbeck*	*Other Persons and MS-Comments*
92-02-03	At a meeting arranged by the anorexia therapist Elvira clearly states that she has no recollection of any sexual abuse.		
92-02-?? (sometime in February; date not known)		Mollbeck engages an incest therapist for Elvira. Mollbeck tells this person that Elvira has probably been sexually abused by her father. Elvira's biological mother is induced to pay for the therapy.	
92-02-29	Elvira meets a social worker and clearly states that she has no recollection of any sexual abuse.		
92-03-07	Elvira meets the incest therapist for the first time. She clearly states that she has no recollection of any sexual abuse.		
92-03-19	Elvira sees a general practitioner because of much pain after a fall down the stairs. She tells that she receives incest therapy. She also states clearly that she has no recollection of any sexual abuse.	Mollbeck is present during this visit. It is not known what she said.	**[MS:]** There is a recurrent number of what may aptly be called *"the Mollbeck intervention pattern"*. When the foster mother intervenes, important persons will start some significant activity.
92-03-20	The general practitioner had previously had a vague suspicion that Ingrid had been sexually abused, but her suspicion was too vague for her to do anything about it. But on the basis of the meeting on the preceding day she now reports to the social agency that both sisters had probably been sexually abused.		

Chapter 1
The Importance of the Swedish Legal System for International Science

[First some formal information. Quotations are numbered according to the chapter in which they are found. Q-17:5 means the fifths quotation in chapter 17.]

To many people Sweden is a small and distant country, which may perhaps be interesting to study for a wide variety of other reasons, but which can only have marginal interest for the scientific study of problems related to the theory and practice of law.

I claim that this attitude is altogether false. The description and analysis of Swedish cases could yield much information of the greatest importance to science, which it would be difficult or impossible to obtain by research performed within most other legal systems. The logical and empirical advantages will definitely outweigh the cost of translating all documents.

The legal system in Sweden is based on two fundamental principles: *openness* and *completeness*. The most important aspect of openness is that very few documents are classified. And even these will almost always be handed out to genuine researchers. By contrast, the internationally renowned Danish criminologist Berl Kutchinsky could not from the courts in his own country obtain the kind of documents that in Sweden are handed out to anyone who is willing to pay for the copying. This means that Kutchinsky, because of the obstacles posed by Danish legislation, could not have written a book such as this.

The most important aspect of completeness is that the concept of *impermissible evidence* is not acknowledged by the Swedish system. The basic rule is that it is only the prosecutor who will decide what evidence he or she will present, and it is only the defence counsel who will decide what evidence the defence will present. If it should be thought that such a rule would enormously prolong the trials, quite the opposite is true. Swedish trials are brief and concentrated. In many countries it is commonplace for a trial to go on for several months or years. The fifths trials of Elvira's parents went on for 21 days, and this is in Sweden considered a most exceptional and gigantic duration. The main explanation for the brief trials in Sweden is that the attorneys and the expert witnesses do not have to engage in indirect manoeuvring for month in order to communicate certain facts, which in a straightforward form could be presented in two hours.

In a legal system in which there are firm restrictions about what kinds of results scientists are permitted to communicate during their testimony, there would be little sense in doing research in order to obtain facts which could not be applied in practice. This is not just a matter about how to spend time. Some facts can only be gathered, if adequate methodological procedures have been developed for unearthing them, and likewise adequate methodological procedures for analysing them.

Such facts may be of great value to scientific research. But they may also be essential for the legal rights of the individual.

It could even be argued that it is undignified and unworthy of a country that claims to be a democracy, that the defendant must ask for and must obtain the judge's permission to present evidence that is absolutely necessary for avoiding a wrongful conviction.

In this respect it will be instructive to compare Sweden with the United States, since an American expert witness is formally prohibited to testify as to whether the defendant is guilty. There are, however, numerous ways of communicating the same thing indirectly. In the George Franklin/Eileen Lipsker case the psychiatrist and psychoanalyst Lenore Terr told the jury that she, like another Sherlock Holmes, had "deduced" what events Stephen King had experienced as a child, and how these events had pre-destined him to write horror books. She went on to claim that *even if she had known nothing about the charge against George Franklin, she would have been able to unearth the nature of his crime* (viz. the murder of an 8-year-old friend of his daughter's 20 years before).

Only perverted mode of reasoning could explain away, first, that Terr's testimony clearly contains the statement that George Franklin was guilty of the murder of Susan Nason, and second, that her testimony was misleading for the jury. – But what should primarily be noted is that it is much more difficult for the defence to counteract such "concealed postulations" than to refute explicit statements.

Franklin's conviction was primarily based on Terr's testimony. However, *Terr was deliberately lying.* Stephen King has denied that those circumstances she boasted of having unveiled about him are true. Among psychoanalysts and many other clinicians it is a standard lie that even if they had had no information of the nature of the charge, they would have been able to disclose it from the other facts of the case. Thus, the Swedish psychoanalyst Frank Lindblad literally plagiarised Terr's stratagem, when he testified in *The Catrine da Costa Cutting-Up Trial* in *The fiscal court of appeal* in 1991. And so did also Elisabeth Bosaeus in the trial involving the girl with the phenomenal memory.

Despite Lindblad's alleged capacity for inferring the nature of the crime: DNA analysis has recently proved the innocence of the two defendants.

In the writings by Lenore Terr – even in those that were produced only one year before the trial of George Franklin – there is no trace of the trauma-theory she propagated in court. She did not fabricate this theory until it was needed by a prosecutor, for the purpose of explaining away a large amount of hard facts that were incompatible with the charge. How could Eileen Lipsker have "repressed" the murder of her buddy Susan Nason, despite the fact that she had never repressed the many events when her father had raped her or abused her in other ways when he was drunk?

Returning to Sweden, it must be admitted that reality is not always as beautiful as theory. And since 1993 the concept of impermissible evidence has with some success tried to creep in through the backdoor. In due course we shall see that

when Elvira's parents were re-tried by the court of appeal in 1994, Judge Bengt G. Nilsson zealously stopped all evidence that was incompatible with the charge.

I was never involved in any of the five trials of Elvira's parents in 1992-1994. But the ground rule in Sweden is that an expert witness would be permitted to present the kind of analyses that are included in this book when testifying under an oath in court.

In the Anglo-Saxon countries, and likewise in many other countries, the defence counsel but not the expert witness is free to present such them. And even the defence counsel may only be permitted to state them in his closing argument.

There are a number of disadvantages of this pattern. First, the defence counsels are, in contrast to the expert witnesses, under no obligation to tell the truth, and cannot be punished for lying. Second, extremely few lawyers (whether they are defence counsels, prosecutors or judges) are capable of performing such analyses. Third, since the lawyers are no experts, they cannot present such facts and analyses in the most appropriate way. Fourth, many judges will not permit defence counsels to introduce new evidence in the concluding argument. Fifth, in the concluding argument there will be a large number of other topics that need also to be put forward. Sixth, even if all the other disadvantages could be overcome, the effect of such analyses would be minimal if they were not presented until the trial was almost finished.

In other words, such analyses must be presented either by an expert testifying under oath, or not at all. And it is easy to understand that in a country in which certain kinds of evidence are not allowed to be presented in court, there would be no point in developing the relevant analytic tools for unearthing such evidence.

In countries where a jury is used two justifications are given for deciding that some evidence is impermissible. (A) This evidence would expose the jury to undue influence. (B) This evidence contains nothing which the jurors (or judges) could not find out for themselves. In countries that do not use juries the second justification could be invoked. – But I have shown above that 27 Swedish judges could not find out these things for themselves.

– There are further important features of the Swedish legal system. There is no jury, and no significant decision is ever taken by one judge only. And the judges are always requested to produce a written justification of both the verdict and the sentence. Judges are merely considered to be a special kind of civil servants, and they have much less power than judges in most other countries.

A judge cannot punish a participant in a trial or civil suit for any kind of improper behaviour. If he thinks that such behaviour has occurred, he may report it, and other judges or committees will handle the report. – In actual fact no power to punish is needed, since nothing could be gained by improper behaviour (a great contrast to the American system).

In most countries it is deemed satisfactory that those defendants who cannot afford to pay a defence counsel will be given a public counsel, who will be paid a minimal standard sum. Not so in Sweden. A defence counsel will be paid the same fee as a counsel engaged by the defendant. It is to a great extent through the

merit of the late minister of justice Lennart Geijer that many rules were changed with the aim that no one should have to go to prison because he or she cannot afford to pay for a first rate defence.

The point of departure was that the state would pay the defence counsel in advance, but would reclaim the money from the defendant if he were convicted. This rules is indeed followed in minor cases involving minor fees. But in the case of major trials with costs amounting to, let's say, 100,000 Euro, it would be unproductive to ask for a refund.

During the last 20 years there has been no consistency as to whether expert witnesses for the defence would be paid by the court. And the decisions by the courts will not correlate with the verdicts in the cases. Nevertheless, during this period it has become less frequent to pay for such evidence with public means, even when the defendant is acquitted – and even when it is not controversial that the contributions of the experts were absolutely necessary for avoiding false convictions.

– This book has two objectives. One is to describe analytic techniques for the examination of legal evidence, which are both valid and independent of specific features of the investigator. Some of these techniques were included in my former book *Textual Analysis: A Scientific Approach for Assessing Cases of Sexual Abuse.* But other techniques are radically new. For instance, this is the first time I have used a computer to assist with textual analysis.

The second objective is to analyse the body of evidence of the Södertälje case (though with some digressions into a number of other cases). Until now this case has not been subjected to a logical or critical analysis – or, for that matter, to any analysis at all. For instance, the evidence evaluation performed by those 27 judges who have made verdicts in this case is far from satisfactory.

In my attempt to fulfil these objectives, I have deemed it helpful to examine their place within a wider theoretical, historical, social and cultural context.

My book may also shed light on yet another problem. Anyone trying to determine the structure of a perfect legal system, should be confronted with the question of whether it would be good or bad if analyses such as mine should be permitted or forbidden.

Now a few words about my empirical facts. I may now and then have made little more than a passing remark concerning a legal case. But in every case that has been subjected to extensive examination – e.g., the Elvira case and all the cases presented in chapter 27-35 and 40 – I have never used a lesser empirical base than the judges. Every document, photo, video-recording, audio-recording etc. that was available to any judge or defence counsel, was carefully examined by me. But I have more often than not unearthed additional evidence, which turned out to be of crucial importance. – It should be stated that most judges do not read or perceive all piece of evidence that is "available" to them. And in the last trial of Elvira's parents the five judges of the court of appeal merely watched all the video-recordings (more than 50 hours of interrogations) in a row, and imagined that such a course of action was sufficient for assessing the evidential power of these police interrogations.

As regards additional evidence, some constituents of the blackmailing case will be mentioned first. After the case was closed, another defence counsel tried to have it re-opened. A police officer informed this counsel of the existence of some documents, which proved that the father had been convicted as a result of the prosecutor's blackmailing activity. If this piece of evidence had been known to the court of appeal, the father would probably have been acquitted. (Or else the judges would have had a strange ethics.) But the first defence counsel made no effort to look for evidence himself.

In the case of the lost spermatozoa I succeeded (despite much resistance from the hospital) in obtaining the case-notes that had been written by the child gynaecologist.

Concerning the semi-psychotic girl with diabetes some hospital staff with a sense of ethical responsibility leaked important information about the perjury of the chief physician. The latter tried in vain to find the leaks.

In the alibi case the injured party had kept a diary for many years. The diary of 1988 illustrated how the girl had felt about the indoctrination attempts, and her inability to resist them, which proved the father's innocence. But all diaries of several years had been carefully locked away by the prosecutor. The defence counsel who handled the case in two courts of law showed no interest in this evidence. He could have obtained them for use in the ongoing trial. After the final conviction, and then solely for the purpose of producing a new trial motion, these diaries were not handed out.

Chapter 2
The Background of All Recovered Memory Cases

Since the Second World War, North-Western Europe has shown a marked inclination to imitate many trends that a short period before, for better or worse, were common in the United States. Sometimes this would not occur until after its "prototype" had already been abandoned and deemed to be completely mistaken in America.

One of these trends consisted of a set of heterogeneous but entangled aspects, which in one way or another are related to sexual abuse. The American origin of this trend is no longer disputed. "Like the old days of a communist under every bush, now there was a child abuser under every bush", said Elizabeth Loftus (1991:131). One aspect was the enlargement of the concept itself. Actions that had for generations been considered normal or even desirable were suddenly re-labelled as criminal. Two telling examples are provided by Wakefield & Underwager (1988). A mother called the social services to ask for advice. She breast-fed her 2½-year-old son; was this appropriate or should she stop? Half an hour later the social services fetched the child: breast-feeding at that age was considered sexual abuse. – A sun oil salesman demonstrated his product by smearing the shoulders of a nine-year-old girl in front of her parents. For this "crime" he got a prison sentence of two years.

A second aspect was the enormous change of the kinds and power of evidence permitted in the courts, and deemed sufficient for a conviction. The famous case of the McMartin pre-school in California is instructive in this respect We shall return to this case in chapter 21. Most information here is taken from Eberle & Eberle (1993).

The proceedings in the district court were handled by judge William Pounders of the Supreme Court. No child accused any teacher of anything, until the child had been in psychotherapy by Kee MacFarlane or her co-workers. (MacFarlane was not at all a psychotherapist.) But after this therapy they accused 358 persons of the most absurd crimes.

The prosecutors realised that a trial with 358 defendants could only result in 358 acquittals. Therefore they selected two persons to be charged: a woman who owned a part of the preschool, and her son who was a teacher there. All the other 356 persons disappeared in silence.

One might try to imagine a situation in which 358 persons were suspected of having killed one child each, and the public opinion felt no indignation when 356 suspects were not charged, at the same time as the same general public felt the most pervasive fury when those two who were prosecuted, were acquitted. It could be argued that such an odd pattern would not have emerged if people really believed in the accusations.

Note the following facts about how Pounders handled the case.

Judge Pounders *forbade* the defence to tell the jury that the children had accused 356 other persons, and that the evidence against all 358 persons was equally strong. In his mind this knowledge would expose the jury to "undue influence".

Judge Pounders *permitted* the prosecution to call a large number of children who testified that they had been abused precisely at the McMartin Preschool and precisely by the two defendants, despite the fact that the children were not even born until after this preschool had been closed and the two defendants had been arrested. In Pounders' view this misinformation would not expose the jury to "undue influence".

Judge Pounders likewise *permitted* a category of perjury that is generally accepted in the American legal system. Another person who had committed many serious crimes (e.g., a number of bank robberies) was offered to receive only one year for all the crimes, if he committed perjury. He was placed in the same cell as one of the McMartin teachers. Afterwards he testified in court and under oath that the teacher had told him that he was really guilty of sexual abuse. According to Pounders neither this perjury would expose the jury to "undue influence".

In Scandinavia as well as in many other European countries we can witness analogous phenomena: a palpable reduction of the power of evidence used and permitted in court, and deemed sufficient for a conviction. Other imitated American phenomena include an increased severity of the punishment meted out, and an increase of the time limit for prosecution.

Furthermore, a new variety of psychotherapy was invented in the USA and imitated in Europe, viz. *Recovered Memory Therapy (RMT).* It is important to note that this approach was altogether traditional in some respects and completely new in others.

For the past hundred years, most varieties of psychodynamic therapies (or of *talking therapies*) have been based on Sigmund Freud's psychoanalysis to a greater or lesser extent. The essence of psychoanalysis has always consisted of the of two procedures: *persuasive techniques* aimed at making the patient believe in the interpretations delivered by the therapist; and *enraging techniques* aimed at producing violent outbursts of *impotent rage* (the word "impotent" is crucial and its importance cannot be exaggerated). Despite this character, Freud and his direct and indirect followers have persistently and dogmatically asserted that they have been very careful not to influence the patient. And on the basis of the latter but false assertion they have concluded that the causes of the patient's reactions derive from the patient's inner mind and are independent of the therapist's behaviour. This was said to be true both of the patient's eventual belief in the interpretations, and of his outbursts.

From the very beginning psychoanalysts declared that their treatment consisted in making unconscious phenomena conscious by lifting repressions. In 1896 Freud explicitly claimed that what he had made conscious were recollections of events experienced during the patient's early preschool years. And – as more recent psychoanalysts have revealed – half a century later the ego-analysts habitually explained every kind of psychic ailments as the effect of one particular

kind of event: around the age of one the patient had woken up and had seen his parents engaged in sexual intercourse.

Turning now to the difference between psychoanalysis and recovered memory therapy (RMT), the psychoanalysts were content if the patient had "understood" and given "verbal assent" to the double interpretation that he had experienced such events, and that they were the true causes of his present ailments. Three generations of psychoanalytic literature make it blatantly clear that no psychoanalyst requested that the patient should *recall* the events. By contrast, the central innovation of recovered memory therapy is the request for recalling certain events constructed by the therapist. (Admittedly, some *recent* psychoanalysts have combined psychoanalysis with RMT, and they will request real "memories".)

The events "disclosed" by the new therapists were usually criminal: sexual abuse by a parent, or ritual murder of children (with or without concomitant cannibalism). Consequently, RMT would often lead to legal action or civil suits against the alleged perpetrator. In the USA some therapists would not charge the patient with a consultation fee proportionate to the number of therapeutic session. Instead they would receive a percentage of the damages allocated to the patient by the court.

Chapter 3
A General Survey of the Scandinavian Case

As I stated in chapter 1, in the case of Elvira I have obtained and used all pre-trial information (documents, videos, audio-recording) that were sent to the court and the defence counsels. Over and above that, I have also found and used a small amount of additional information.

Many aspects of the Elvira case are exceptional from an international point of view. Other aspects are exceptional in comparison with other Swedish cases. Some aspects of both kinds have already been mentioned. At the time of the trials recovered memory cases were uncommon in Sweden. But a much more important feature of "the Södertälje case", as it is usually called in Sweden, is the enormous amount of documents and tapes. There are 40 police interrogations of the injured party. Twenty-eight of these are audio- and video-recorded dialogue interrogations, which have been transcribed word for word by the police. The 28 dialogue interrogations contain 13 579 lines or statements.

The 40 interrogations of Elvira constitute about half the total body of pre-trial interrogations and other pre-trial documents. The case appears to be the largest recovered memory case ever handled by a Swedish court.

In order to protect anonymity, pseudonyms have been invented for almost all persons involved. The biological parents have been given the aliases Oswald and Helena. Helena is deaf. Oswald is a bisexual immigrant with little schooling. They have two daughters, Elvira and Ingrid, who were 15 and 13 at the time of the police report. Oswald has an aggressive temper, but all the family members agree that he has not physically punished the daughters since they were very young.

I shall ask the reader to pay strong attention to all temporal relations.

The family atmosphere deteriorated even more when Oswald was unemployed for a longer period. On one Sunday evening in September 1991 when things were particularly tumultuous, the mother and the two daughters left the father and moved to the home of one of Elvira's schoolmates. The mother of this family will be referred to as Fanny Mollbeck. The Mollbecks are members of a religious sect which strongly believes in the palpable existence of the devil in this world. In addition, Fanny Mollbeck had for many years been deeply interested in the sexual abuse of children. She was well acquainted with the female professor Eva Lundgren (1994), who maintains that ritual child murders are frequent in Sweden. Hence, it should not come as a surprise that Mollbeck already in October 1991 told the social services that Elvira had probably been sexually abused by her father. The only support for this suspicion was that Elvira suffered from anorexia. And the first person who is known to have asked Elvira about abuse, was indeed her anorexia therapist.

In legal trials anorexia has often – and quite erroneously – been invoked as proof of sexual abuse. It was therefore embarrassing when it became general

knowledge that the crown princess of Sweden suffered from anorexia. Who might be suspected of being the perpetrator?

Mollbeck's house was not large enough for so many people. Over the next four months several movements, mostly by single persons, followed each other. But then a new pattern settled. Oswald lived alone in his house; Helena got her own apartment; Ingrid lived with another foster family; and Elvira had returned to the Mollbeck family. She would eventually call the parents of the Mollbeck family "Mummy" and "Daddy", and would refer to her biological parents by their first names.

Elvira's psychic state deteriorated seriously, when she began to live alone with the Mollbeck family. But this was not the reason why Fanny found a psychotherapist for her – indeed one who was widely known to be an incest therapist. Although Mollbeck was a layman, she "informed" the licensed psychologist that Elvira had shown signs of having been sexually abused.

We may wonder what an incest therapist was supposed to do for a girl who had no recollections of sexual assaults. We may also wonder about the ethics of a therapist who accepted such a girl for this kind of therapy.

Elvira finally ended up with four therapists: one anorexia therapist, one incest therapist, the school psychologist, and Steve Harvey (not a pseudonym). Harvey propagates that ritual child murder occurs frequently in the United States (although the FBI have found no instance at all). He happened to be in Sweden at the appropriate time, and the incest therapist arranged for Elvira to undergo five treatment sessions with him. The case was also handled by three social workers (SW-1, SW-2 and SW-3) and by a general practitioner who had treated both sisters for minor physical ailments for many years. The incest therapist and the school psychologist had collaborated closely with the prosecutor in previous cases. – It is impossible to estimate the nature of and considerable time spent on informal contacts between these many professionals and, in particular, between them and Mollbeck.

The form of Elvira's narratives developed according to a well-known pattern of recovered memory cases. In the beginning she had neither any recollections nor any fantasies. Eventually some cloudy "images" emerged, but she attributed no reality to them. Still later she was torn between doubt and belief. Finally she surrendered to the indoctrinator.

The content of the narratives also developed along a route that can be recognised from numerous other cases. At first Elvira accused her father of genital intercourse, and then likewise of oral and anal sex. Later, her mother had performed Lesbian intercourse. Still later, first the father and then both parents had hired her out as a prostitute at ordinary sex clubs, and this prostitution had started during preschool age. Both parents were convicted on the basis of these accusations. The father got a 10-year sentence (which at that time was the maximum punishment in Sweden for this crime), while the mother got a 5-year sentence.

Until the case was re-opened, Oswald and Helena stood separate trials. Consequently, there are a total of five judgments: two judgments by the district court; the first two judgments by the court of appeal; and the final judgment by the

court of appeal, because both parents stood trial together after the case was re-opened. In the court of appeal cases will invariably be handled by three judicial and two lay judges. The rules for the district court are more complex, but in the present cases all verdicts and sentences were decided by one judicial and five lay judges.

Who paid for the expensive incest therapy? It was Helena, despite her great economic difficulties after the divorce. She was probably kept in ignorance of the nature of the therapy. Elvira stated in a police interrogation that Mollbeck had told her not to inform Ingrid about the kind of therapy she was undergoing, and neither of presence nor the nature of the criminal suspicion involved.

Elvira would eventually accuse Helena of Lesbian assault and of hiring out her as a prostitute. – If Helena were guilty of these crimes, she could not have been unaware of the risk that Elvira would inform her therapist. Helena did not have such a low intelligence that she could have overlooked such a risk. Her willingness to pay for the treatment must therefore constitute some evidence that she was innocent.

Chapter 4
The Procedure of Computer-Search for Keywords

Among *my four cardinal results* the last two are in line with the kinds of results I have obtained in many previous cases without the assistance of any particular tool. (Some two dozen such analyses can be found in Scharnberg, 1996.) I am, however, absolutely convinced that without the assistance of a computer it would never have occurred to me to look for or detect the first two.

In a sense the computer is omnipresent in my analyses, although I have used no advanced computer program. My search for keywords is a primitive way of using the computer. But in the case of Elvira it has turned out to be highly adequate and efficacious.

I shall try to explain how my approach developed. In the police interrogation 1992-04-09 Fanny Mollbeck recounted one kind of acts of sexual abuse, which her foster daughter had allegedly told her about: *More than once her father had practiced sexual intercourse upon Elvira, while her two-year younger sister Ingrid was sitting at the bedside.*

This is "the bedside event(s)". When our task is to analyse the evidence, the first question should be whether Elvira agreed that she had experienced such assaults.

The second question should be whether Elvira's descriptions of the bedside event at various occasions agree with one other. This issue is important in itself. But there is a further reason for focusing on it. I have worked in law courts for over 15 years, and in my 1996 book, as well as elsewhere, I have described more than 50 cases. About half of them have been exposed to penetrating analyses. I have documented in print that not one single girl whose account was not true, have been capable of recalling from one police or court interrogation to the next what she had previously told. This characteristic was equally prominent in those girls who were deliberately lying on their own initiative, and in those who were victims of indoctrination.

Elvira's father should be asked. But it might be no simple matter to interpret answers given by a possible suspect. I would therefore suggest that the third essential question should be *whether Ingrid confirms or rejects this allegation*.

Here we encounter the first impediment. To answer such questions we must search through the entire police investigation, which turned out to comprise 245,000 words. A large number of psychological studies have shown that human beings are not very skilled in handling large amounts of information. They will usually ignore the overwhelming majority of the facts and base their conclusion on a small sample. And they may well ignore those facts that most strongly support the conclusion which, objectively, is the true one.

Unfortunately, most textbooks of judicial evidence evaluation are based on the following three erroneous assumptions: (a) Judges have reasonably correct

recollections of the facts that were presented during the proceedings; they will experience neither crucial forgetting nor illusory memories. (b) Judges attach reasonably correct evidential values to the facts. (c) The only kind of *combination* judges need to perform, is weighing together all the evidential values.

These circumstances need to be mentioned already at this stage, even though they primarily belong in a later chapter. I shall also mention a vital logical rule: *The evidential value of both (note: both) of two facts may be zero or close to zero. Nevertheless both facts in combination may have a very high evidential value.*

A further property of human perception should be noticed. While a person is reading a large mass of text, his attention levels will often oscillate between high and low levels. And low levels might befall facts that actually have strong evidential power.

I do not pretend not to be a victim of oscillating attention and other shortcomings. Rather, I have deliberately tried to circumvent them. How can I be sure that I have found all instances of the bedside event? And how can I be sure that I have noticed all the significant features of the separate accounts of this event?

My solution was to scan all interrogations, affidavits and other documents into one single document, which will henceforth be called *the central document*. It is this document that comprises 245,000 words.

I also made other large, but not immense, documents. One of them contained all judgements passed by all courts. It should be noted that Swedish judgements are significantly more sizable than judgements in most other countries.

It takes only a few seconds to computer-search the entire central document for any keyword. Almost instantaneously I shall find the frequency of the words “-lock-” , “-close-“ , “-door-“ (or rather of their Swedish counterparts: “-lås-”, “-stäng-”, “-dörr-”); they are 68 and 276 and 73, respectively. I have scrutinised every instance of these words, and can therefore be sure of having made no oversight – albeit with one trivial and one important caveat.

The trivial caveat is that this approach will yield a number of “false positives”. To construct an English analogy: searching for “now” will also yield “snow” and “acknowledged”.

The important caveat is that I am not interested in words but in categories of meaning, that is, in events that satisfy certain conditions. And we can never be sure that a certain word will invariably occur whenever a certain event is mentioned.

I strongly recommend that all instances of the word in question should be marked in such a way that the researcher cannot fail to notice them even at a casual glance. And it would be wise to mark them in a way that is never used for other purposes or in other contexts. (My own technique is to give the letters the double size and adding ££.)

Is word-search by and large superior to topic-search? I take no stand on this issue. There is no reason why both approaches should not be applied. But there are a number of reasons why I want to give computer-search for words a prominent place.

(1) I have only written two books of more than 600 pages. My book on Freud's non-authentic observations (1993) was written on a typewriter. My book on textual analysis of legal evidence of sexual abuse (1996) was written on a computer. As a consequence only the latter is available on my hard disc.

The abuse book has two normal indices of subjects and names. By contrast, the Freud book contains a very large analytic index with five hierarchic categories of meaning.

Now, when I want to find a special page where I have written about a certain topic, it has invariably been significantly easier for me to search for *a word* in my abuse book, than to search via *the meaning categories* in my Freud book.

The same ease is observed in my as yet unpublished manuscripts, although no meaning categories have been worked out for these writings.

(2) Selecting the words which it would be adequate to search for is often easy. It goes without saying that "bedside" is one of the first words to be tried out in order to find all accounts of the bedside event.

As an alternative, a number of meaningful categories could be invented on the basis of the account of the bedside event given above. But we cannot be sure to find the optimal definition of meaning categories, unless we also take a number of other assaults into consideration. Hence, such an approach could turn out to be a labour-consuming trial-and-error task.

(3) It may not always be unambiguous whether a concrete account belongs to a certain category.

Let us focus on the bedside assault together with two other events: *the nail polish assault* and *the nail polish conversation.* Elvira recounted that at one occasion she was present while Ingrid painted the father's anus with nail polish. But Elvira also recounts a conversation she had later with Ingrid. Ingrid allegedly said that Elvira's recollection was not true: Elvira was actually the one who painted the father's anus while Ingrid watched. As a consequence, when Elvira recounts these events to the police, she does not know whether her own or Ingrid's version is the true one.

The word that should in the first place be searched for in this case is "nail polish". It is less obvious what would be the optimal meaning categories for the following three events: painting the anus; talking with Ingrid about the painting event; and telling the police about both the painting and the conversation.

(4) So far I have never encountered a computer-assisted analysis of legal evidence, whether for word search or for topic search. In the Scandinavian countries it would be a completely alien idea to judges and defence counsels to undertake such a task. And whatever it may be in many other countries, it is not very common.

(5) My strongest motive for stressing computer-search for words rather than for meaning categories is that this procedure is the least time-consuming. Starting with a word-search does not prevent other procedures from being applied later.

(6) Regardless of whether we search for words or categories of meaning, we cannot escape the task of reading through the entire central document in order to check whether we have overlooked some instances of a certain kind of events. But

even here I venture a hypothesis about the performance of most people. If there are, objectively, 29 instances of a specific kind of assault, we may be more prone to find those few ones we have missed, if a word-search had already identified and marked, say, 26 instances. – This is also one reason why I recommend a very conspicuous marking of all instances that have already been found by word-search.

In the case of Elvira it turned out that search for the word “bedside” missed no instance in the central document, but missed one instance in the document of all judgements.

What should we do if search for the word “bedside” had yielded no events except the one we had already found? Then the next step might be to try other words such as “Ingrid” and “sister”. This search actually yielded the only instance that was missing, and that occurred in one of the judgements.

Chapter 5
Search for Meaning Categories

However much I have praised word search, there are other and very important aspects which can hardly be found by this procedure alone. *The bedside event unambiguously entails the presence of an eyewitness*, viz. Ingrid.

We may search for the word "eyewitness", but it is unlikely that this search will yield any non-trivial results. (Actually the word is totally absent from every document of this case.)

But when we have discovered the presence of an eyewitness as a distinguishing property of the bedside event, we should extend the question in more than one respect. Does this legal case contain other eyewitness *events*? Have other *persons* been pointed out as eyewitnesses? Are there more than one version of one particular event?

Furthermore, we should ask Ingrid and the other alleged eyewitnesses whether they confirm or disconfirm the events which they had allegedly observed.

I am not sure that there exists a computer program that, unassisted by the human user, could discover that the bedside event is an eyewitness event, could look for other instances of the same eyewitness event, for other eyewitness events, or for other persons who allegedly were also eyewitnesses.

And I cannot imagine how a researcher could possibly detect this information except by re-reading the entire central document with an eye to these problems.

How would a researcher detect that the bedside assault is an eyewitness event? How would he realise that it might pay to amplify the question in the just mentioned respects? The researcher must possess *a special eye or gaze* for perceiving that certain ideas have a probability of yielding non-trivial information. At this stage these ideas would not often have been articulated into something that deserves to be referred to as "hypotheses". – It goes without saying that the eye or gaze is by no means infallible.

Digression. Some polemic is inescapable here. What I have said about the gaze is of course neither new nor original. From a logical or scientific point of view it does not need of to be defended. So far all attempts at creating a logic of discovery have failed. Hence, the only alternative to a non-objective sensation that this or that pursuit might pay, seems to be the policy of selecting research projects at random; a policy that would almost guarantee failure.

It should not come as a surprise that I have received no criticism for the idea about the gaze from serious-minded methodologists. Criticism emerged instead from a large number of psychiatrists and clinical psychologists, who have based their professional careers, prestige and economy on the premise that psychodynamic theory is basically correct. They have likewise defended their own so-called *empathic* or *intuitive* assessments (which, as I have shown in previous writings, are not empathic or intuitive at all, but *book-learned*). Some clinicians belonging to this category have fabricated sham evidence in the Elvira case. But many more members of the category have for generations tried to sham-prove that arbitrary

and irrational procedures are in no way typical of themselves, but very much so of their critics.

One argument has been most clearly formulated by Erland Hjelmquist (1999) as a reason for why my writings should not be published: MS's methodology contains *a subjective constituent*, viz. "*the gaze*". It is irrelevant that MS never uses this gaze to *verify* anything, but only as a *heuristic*, that is to say as a *fallible* way of perceiving what it *might* pay to search for. According to Hjelmquist, the presence of one subjective constituent entails that MS's methodology as a whole is subjective to the same degree as those procedures which *verify* their results by means of *subjective* feelings.

Another common objection is that Scharnberg's results are wanting in scientific as well as in practical value, because they are altogether trivial and contain no new knowledge that anyone would dispute.

The last mentioned objection is not easy to reconcile with the views of most (not all) consultants engaged by *the Swedish Research Council* for evaluating my manuscripts and projects. These professors agree in saying that the kind of knowledge I claim to have unearthed, belongs to such things that mankind will absolutely never learn.

Certain hard facts unambiguously contradict the postulation about the absence of practical value of my methods and results. Twenty-seven judges have passed verdicts in the Elvira case. It is proved in this book that none of them detected my second and third cardinal result. It is also proved that none of the five judges who made up the team of the fifth trial detected any of the four cardinal results.

Chapter 6
First Cardinal Result: The Judges' False Recollections

It reveals a major flaw when a defendant is convicted on the grounds of the judges' erroneous recollections of evidence presented during the proceedings. But in the fifth and last set of proceedings the five judges of the court of appeal managed to convict the father of a series of crimes of which the injured party had never accused him.

The judgement comprises more than 14,000 words. I will here quote an important excerpt:

> "So, during the police investigation in the case against her husband, and before any suspicions had emerged against herself, Helena has stated that she had seen that Oswald had **locked** in himself together with Elvira in her bedroom [!], and that Elvira had had a strange look on her face afterwards. As can be seen from the account above [in this judgment], Helena has repeated this information when she testified during the new trial, while Oswald has completely denied that he had ever locked in himself together with his daughter.
> […]
> On the basis of what the court of appeal has recounted above, it can be taken for sure that Oswald sexually abused Elvira on those occasions when he has **locked** himself and her in her room. The fact that Oswald has not tried to conceal his actions, does not agree very well with the alternative that he had performed a single assault or a small number of assaults. Instead, this pattern is highly compatible with Elvira's statements that she had been exposed to many assaults over a long period, and that Helena was not unaware of what happened."
> [Judgment by the court of appeal in Stockholm (five unanimous judges, no jury), 1994-05-03, pp. 42 and 44, bold type, italics and explanatory parentheses added by MS]
> [Q-6:1]

By now the reader may have understood why I specifically searched for the words "-lock-" , "-close-" and "-door-" .

When checking the facts, the first surprise is that the mother nowhere in the police investigations says that Oswald has ever been together with Elvira in her room behind a locked door. What she does say is that they were alone; that the door was *closed*; that she does not know whether the door was *locked*; and that she does not know whether it was Oswald or Elvira who had closed the door.

The second surprise is that nowhere in any of the 40 police interrogations does Elvira state that her father had ever performed a sexual assault in her room, when the family was awake and at home, and behind a locked or closed door. The police officer brings up this topic in three separate dialogue interrogations. But Elvira has no memory of ever having been alone together with her father in her room, regardless of whether any criminal acts were performed or not.

When the father was interrogated by the police, he remembered no more than Elvira. If such events had occurred, he could imagine that they had watched

television or listened to music. The door might have been closed to prevent the dog from dropping hairs all over the house.

The third surprise is the account of the mother's testimony in the court of appeal. The judges' own account is found on p. 22 of the judgment. Just like Helena said during the police interrogations, she testified in court that the door was closed, but not that it was locked.

Whether the door was locked or closed is not unimportant because in none of the interrogations can Elvira recall any form of assault taking place in her room behind a closed or locked door, at a time when the other members of the family would normally be awake.

It could be argued that the fourth surprise is the greatest. All five judges have signed the judgment. And this means, inter alia, that they have given their assent to the account of Helena's testimony on p. 22 in the same judgement. The words attributed to the mother by the judges themselves are that Elvira after having been alone with Oswald in her room Elvira had a strange look on her face, *as if the father had been angry.*

Since the mother is deaf she would not be able to hear anything, if the father had given Elvira a thorough scolding. It was said above that all family members agree that the father had never physically punished the daughters since they were very young. Hence he could not have beaten her.

In other words, when the five judges constructed the justificatory reason for the verdict and the sentence, all of them managed to forget both the testimony they had listened to, and their own written account of the very same testimony. And after they had lost the important information about the father's anger, they re-interpreted Elvira's "strange look" as an indication of sexual assault; a reconstruction that would have been impossible, if the judges had bothered to check whether their own text was free from contradictions.

In turn, their conclusion about the very large number of assaults is likewise based on their fictive memory.

Moreover, it is strange to talk of the daughters' *bed*rooms. Does this terminology reveal a bias on the part of the judges?

Chapter 7
The Second Cardinal Result: Eyewitnesses of the Sexual Assaults

When I add all Elvira's statements, it seems that she experienced a total of some 250 assaults. I do not attach any importance to this figure. And I do not think that the sentence would have been different if the real number had been proved to be half or twice as many.

Elvira has only supplied concrete descriptions of 12 (twelve) assaults. Neither this pattern would have been remarkable, if it had not been strongly connected with a further piece of information. **Elvira claims that her younger sister Ingrid was an eyewitness of 11 (eleven) of these 12 assaults. At 7 (seven) assaults she postulates the presence of further eyewitnesses.**

In Sweden the Lucia Day (13th December) is a prominent festival. Surprisingly, there is no information as to what year the Lucia assault took place. But the postulated content was as follows. In accordance with the Swedish traditions the two daughters woke up their parents in the morning, bringing them coffee and gingerbread biscuits while singing the Lucia song. Ingrid was dressed as Lucia with a ring of candles on her head, while Elvira was her maid.

Instead of appreciating this act of kindness, the parents caught hold of both daughters, so that all china, coffee and biscuits fell to the floor. And then both parents raped both daughters beside each other on their double bed. The father performed genital coitus on Ingrid, while the mother performed Lesbian intercourse on Elvira.

Allegedly, the father had at repeated occasions performed coitus on Elvira, while Ingrid was sitting at the edge of the bed. – In the first judgment by the court of appeal (dated 1992-05-11) we can read: "At least once he has had sexual intercourse with her [= Elvira] in full view of her sister Ingrid."

The mother's lover was reported to have raped Elvira in the presence of Ingrid, and to have raped Ingrid in the presence of Elvira.

Moreover, Elvira accused both parents of having hired out both daughters as child prostitutes at sex clubs. Through a one-way-mirror Elvira had allegedly watched the abuse of Ingrid.

One pattern described in chapter 4 is illuminating, because it consists of several events, each of which involves an eyewitness. In the police interrogation of 1992-06-04 Elvira recounts that on one occasion Ingrid had in Elvira's presence painted the father's anus with nail polish. On a later occasion Elvira and Ingrid had talked about this event. And then Ingrid had said that it was Elvira who painted Oswald's anus while Ingrid was watching. On account of this, Elvira is not sure which of the sisters is right when she is talking to the police. But she knows that the recollection of this event emerged shortly after a session with her incest therapist, during which she had painted the Ken doll with nail polish between his legs.

It is important that Ingrid was extensively and intensively interrogated by the police on 1992-05-05. This interrogation comprises 5072 spoken words. Ingrid denied unequivocally that she had been sexually abused by anyone. She also denied that she had ever seen her father or anyone else showing any improper behaviour toward Elvira. She knew that Elvira had reported the father to the police. But she was totally incapable of guessing for what crime he had been reported.

It could be argued that it was unethical to convict the defendant of the bedside events, without perceiving any need to ask Ingrid about these events, and without looking up in the police interrogation what she has actually said. The same thing is true of all other assaults in which Ingrid was allegedly involved.

Chapter 8
Elvira Retracts her Allegations When She is Contradicted by the Police

During the fourth police interrogation (1992-06-09) Elvira recounted that she had on one occasion been disobedient toward her father. In order to punish her he inserted his fingers into the vagina of Ingrid.

The very same police officer had interrogated Ingrid on 1992-05-05. She knew that Ingrid denied having suffered or witnessed any indecent behaviour by anyone. If Elvira postulated too many things that were *too obviously* false, the entire case might collapse. Hence Elvira must be stopped. The police officer continued:

Police officer:	How do you know?
Elvira:	How I know what-what, how I know, Eva, just now everything is so foggy, it won't work, as it were, there is just one single lot of images that are just intertwined. [Q-8:1]

This weak contradiction was enough to make Elvira retract her entire account of the punishment scene.

There are other similar examples. During the police interrogation of 1992-10-02 Elvira said that in one summer Helena and both daughters went on a cycling holiday on the island of Gotland. Elvira is unable to remember what year this was. However, one night the mother crept into Elvira's sleeping bag. She had no pants on. She pulled down Elvira's trousers and pants, and rubbed her lower parts against Elvira's lower parts like a train.

Elvira explicitly stated that *her recollection of this event had emerged recently*. She also took the first step toward stating that Ingrid was an eyewitness of this assault. But the police officer wisely stopped her and said that it is improbable that Ingrid had noticed anything. And then Elvira immediately retracted this part of the event.

Apparently none of the judges detected Elvira's repeated inclination to retract. But whatever they may have done, none of them perceived any relevance in this inclination.

Chapter 9
Ritual Child Murders

A pattern closely related to retraction was observed in connection with the assertions about child murders. Elvira eventually went on to accuse Oswald and Helena of further assaults involving ritual child murder and cannibalism. She also began to accuse other persons than her parents. A not insignificant number of these were identified persons; among them one judge of the same court of appeal that had convicted Oswald and Helena, and the daughter (Annette) of this judge. Annette and her father were neighbours of Oswald and Helena, and Annette had been Elvira's best friend since pre-school age.

Elvira said that she had accompanied her father to Poland, where he had bought children who were to be murdered in Stockholm. Elvira also stated that she herself had contacted young boys in the streets of Stockholm, whom she had lured to follow her to the place of the ritual murders.

And she went on to say that the murder sect kept young girls in cages, made them pregnant, and cut out the foetuses while the girls were still alive. They ate the raw foetuses. Both Elvira and Annette had murdered children.

Elvira pointed out the places in the woods where the bones of the children had allegedly been buried. Seventy policemen, led by four police helicopters, dug through the entire wood. They found nothing.

The police engaged highly competent experts from *The Royal Institute of Technology* in Stockholm. They proved that no one had dug in those places since the Ice Age (this is their own formulation).

The police spent an enormous amount of resources in trying to locate both the sex clubs and the places where the murders took occurred. They took Elvira to all known sex clubs in and around Stockholm. She did not recognise any of them. And indeed, her description of the interior of the sex clubs corresponds closely to that of *The Deaf Centre* in Stockholm. Elvira has visited this house numerous times together with her deaf mother. (In some contexts it will be important, as we shall see, that the Swedish name of "The Deaf Centre" literally means "The House of Deaf People".)

One of the attempts to find the scenes of the crimes started at 22:00 o'clock on 1992-06-27 and ended four hours later. Present in the car were Elvira and Mollbeck [!] together with the police officers PL and BMK. – Another attempt began at 16:00 on 1992-10-01 with the explicit aim of determining whether Elvira recognised the surroundings, houses or addresses at which she had been abused between 1982 and 1991. Participants were Elvira and, once again, Mollbeck [!!], together with the police officers PL and RK, and the prosecutor Nils Lundberg (not a pseudonym).

From 1992-12-03 onwards Elvira also told about strange telephone calls. In some of them no one said a word, and in others she heard children screaming in exactly the same way they scream when they are being ritually murdered.

But when Elvira learned that the police actually examined the places she had indicated in the wood, and that they bugged her telephone, she suddenly stopped pointing out further places and telling further stories about mystical telephone calls.

What if the police had dug through the wood and bugged Elvira's telephone *without telling her in advance?* It would be interesting to know whether she had then continued to point out graves in the wood and to talk about strange telephone calls.

An even more important question is whether Elvira would have ceased to accuse her father and mother of sexual abuse, if the police had examined the truth-value of these accusations. Judges, prosecutors, psychiatrists and psychologists have sometimes said that no one except the two persons involved knows what really happened. But this is a flagrantly false conception, and in due course we shall come to understand why. But we must also remember that Elvira repeatedly retracts her allegations, whenever the police interrogator contradicts her.

The following excerpt is taken from a summary about Elvira's accounts about child murders. It was written by a police officer and dated 1993-05-03:

> "During the interrogations which Elvira has been put through, she seems to have a supply of horrible events to come up with, which never runs dry. **Since a long time she has ceased to provide any information that can be checked, since she has learned that we have actually checked it.** [...]
>
> **She shows an evasive attitude during the interrogations when she feels pressed. Then she says that she doesn't remember just now but "it will turn up later".** *She often wants a break when things become difficult, and if her foster mother Fanny is present she wants to go to her for a hug.*" (bold and italics by MS) [Q-9:1]

Chapter 10
The Third Cardinal Result: Precognition by Elvira's Foster Mother

The most important of my results is that Mollbeck repeatedly "knew" what Elvira had experienced, at a time when Elvira knew nothing about any such events. Mollbeck claimed that Elvira "had told her" what she "knew". And this is a deliberate untruth. Instead this pattern proves that **Mollbeck invented and indoctrinated those narratives to which a minimum of 27 judges attributed the stamp of being authentic experiences.**

We shall examine a number of themes. But first a kind of a prologue is necessary.

Even without a detailed examination it is easy to recognise in Elvira the typical features of false memory syndrome (FMS). Since a well-known incest therapist was involved, it was only natural to suspect her of being the indoctrinator. Nevertheless, systematic textual analysis showed that she was innocent, and that Mollbeck was the real recovered memory therapist.

The incest therapist may well have done much to consolidate the pseudo-memories. And we shall later see that she was playing a double game.

Scharnberg (1996, II, chapter 87) studied many indoctrinated allegations of sexual abuse made by pre-school children. One frequent characteristic was that *the children might mix things up and get hold of the wrong end of the stick.*

The primary reason for this characteristic is neither the age nor the immaturity of preschool children. What is crucial is that the content of the indoctrinated stories lie outside the experiential world of the children.

Hence, it is no bold hypothesis that the same characteristic might sometimes occur, when adults or teenagers are indoctrinated to recall things that lie outside their experiential world. Maybe we shall find this characteristic in some of Elvira's accounts. In the following chapters we will be taking a close look at a number of themes.

Chapter 11
The Fourth Cardinal Result: Elvira's Long-Lasting Absence of Memories of Sexual Abuse

The numerous interrogations and other events have provided detailed and comprehensive information about the development of Elvira's "memories". At a large number of exact dates it is fully verified that Elvira did not yet have any memories of any assaults.

Her anorexia therapist arranged a meeting for February 3, 1992. The documented participants were the therapist herself, both sisters, their mother and both their maternal grandparents, but not the father. There is no formal documentation as to whether Fanny Mollbeck was present. But Elvira had at that date been living alone with the Mollbeck family for some time; Mollbeck had a close relationship with the social services and Mollbeck was particularly eager to participate in every event involving Elvira's past life as well as her current ailments. It is therefore extremely improbable that she did not participate in this meeting.

We know from the documents that at that date Elvira stated that she had no recollections of sexual abuse.

When she started incest therapy, she understood that the proximate goal was that she should recall events of sexual abuse. It is documented that Mollbeck told Elvira not to say anything to Ingrid about sexual abuse. We may guess that Elvira was also told to conceal the nature of the treatment to her biological mother.

On 1992-02-29 Elvira met social worker SW-1 for the first time and had *no recollections of abuse.*

On 1992-03-07 she met the incest therapist for the first time and had still *no recollections of abuse*. This therapist stated in a police interrogation in June that in the beginning Elvira did not recount any concrete events, and whatever she said was cloudy and obscure. *She said nothing about any recollections or even about any "images" until AFTER the first police interrogation,* that is, after 1992-04-28. The incest therapist also stated that Elvira at a later date (which can only have been in May or June) had got "an image" of her father lying on top of her. "She had asked herself if it was possible that this could have happened" – a clear sign that she did not experience this image as a recollection.

On 1992-03-19 Elvira visited the general practitioner, accompanied by Mollbeck. Elvira felt much pain after a fall down a stairway. Until that date the doctor had suspected that Ingrid, but not Elvira, was an abuse victim. But now she learned that Elvira regularly received incest therapy, and that Elvira *had no recollections of abuse*. The general practitioner immediately enlarged her suspicion to comprise also Elvira. The next day she reported to the social services that both sisters had probably been abused by their father. She provided no evidence whatsoever to support her report.

On 1992-04-22 two other social workers, SW-2 and SW-3, made a house call at Mollbeck. Apparently, Elvira was at school at that time. I shall postpone most of what happened during this visit. But on the basis of Mollbeck's [manifestly false] claims about what Elvira had told her, the social services changed the nature of their work with this family. While they had until that date perceived the main problems of the daughters to be the mother's deafness and the father's bisexuality and unemployment, they now worked on the assumption that Elvira had been sexually abused.

1992-04-27 is the date when Elvira broke down at school. On the same day she talked with social worker SW-1. It is not clear if Mollbeck was present during this conversation. And if she was, we cannot be sure what allegations were put forward by Elvira herself, and which were merely "confirmed" by her (or possibly not even confirmed), after Mollbeck had "passed on" what Elvira had allegedly told her "previously". Be that as it may, four allegations were asserted at this meeting. (1) Elvira's father had had sexual intercourse with her "during all these years". (2) She had "an image" in which her father performed coitus with her, while Ingrid was sitting on the bedside. (3) She was convinced that her mother was aware of her father's assaults. (4) She believed that her father also abused other children.

On the very next morning (1992-04-28, at 08:15) SW-1 and SW-2 made a personal visit to the police station and reported Oswald. Their report includes the information that Elvira had procured young boys for her father's (alleged) homosexual paedophilia. This is an activity that Elvira has always denied, and the only person who has ever postulated such an activity is Mollbeck. Hence, if the latter activity was recounted while Elvira talked to the social workers on 1992-04-27, Mollbeck must have been present at this meeting, and she must have been the one who put forward this accusation. – On the other hand, if this claim was not put forward during this conversation, the social workers had mixed up what Elvira and Mollbeck, respectively, had said on different occasions. And this behaviour would be indefensible behaviour.

Note also the poor logic. If Elvira had procured young boys, how could she possibly have no more than a *belief* that her father abused other children?

Elvira was interrogated by the police on the same day (1992-04-28) as the social workers reported the case. Still on this occasion and at that date she had *no recollection of any sexual abuse*. By contrast, she was *absolutely sure that no assault at all had occurred during the last 5½ years*, viz. after the family had moved from an apartment to a villa in September 1985. Elvira also delivered an explanation for the absence of abuse, viz. that after the move *"we"* were too old. "We" can only mean *both* Elvira and Ingrid

If no assaults had taken place after the move to the villa, and if Elvira did not recall any assault perpetrated before the move, her mother could not have been aware of any assaults recalled by Elvira. Nor could her father abuse *other* children *in addition to* abusing her. And we have already seen that Ingrid denied both the bedside event and any indecent behaviour of her father.

A few days after 1992-04-27 Elvira went to social worker SW-1 again and said that she had never been sexually abused. She also said that she had been pressurised to make false allegations.

After her retraction SW-1 took the position that a trial could not be based solely on Elvira's accusation. But because SW-1 was no longer eager to achieve a conviction at any price, she was strongly mobbed at her place of work, and had to quit her job. She also understood that she would be mobbed anywhere within the social services in Sweden. So she took a job in India. (At the request of Helena's defence counsel she came back to Stockholm and testified during the proceedings in 1994.)

Consequently, there is a large body of evidence confirming that Elvira had no recollections of any sexual assaults during the months of February, March and April of 1992, when she was repeatedly questioned by a number of professionals. In stark contrast to this, the father was already in September and November unanimously convicted by 11 (eleven) judges of two courts. And he was convicted both of having sexually abused Elvira, and of having hired her out as a prostitute at sex clubs. – The mother was convicted of the same crimes by the court of appeal, although she had been acquitted by the district court.

Note one further and important circumstance. During the four first police interrogations (1992-04-28, 1992-05-04, 1992-06-04, 1992-06-09) there is no trace of any of those crimes for which Oswald was convicted already on 1992-09-02. Instead there are accounts of such things that are comparable with the nail polish event and other similar events. These will be scrutinised in due course.

Chapter 12
The Bedside Assault

We shall now examine the events as told by Elvira. She told *the bedside assault* to social worker SW-1 on 1992-04-27. But this meeting took place after Elvira had broken down at school, and it is not clear if Mollbeck was present. If she was, it is not clear whether the event was told by Mollbeck or by Elvira. But if Elvira told it, it can only have been an "image", not a recollection, because at the police interrogation on the very next day she had no recollection of any assault. Not until 1-4 weeks later did she *begin* to have an *image* that her father was laying on top of her. And even at this stage she did ask herself if it was possible that he could really have done so. This is what the incest therapist testified.

On 1992-04-29 Mollbeck untruthfully told the police that Elvira had recounted the bedside event to her, and that she had told that it had really happened. Mollbeck also stated that Elvira had recounted other real assaults during the three preceding weeks. Note the time.

The police officer introduced the bedside event during three separate interrogations. The first time Elvira's reaction was to *beg* for support, so that she could have the courage to tell the truth despite Mollbeck's strong pressure. But the police officer made it clear that she was part of the indoctrinating team. Here follows a brief excerpt from the interrogation:

Elvira: Maybe I'm lying
P.O.: We will help each other to find out what happened. This is what we will help with. **We will help you to remember.** Do you have any more memory? You told that you felt his dick in your hand and that daddy inserted his dick into your body.
Elvira: But maybe it didn't happen at all, not even once.
P.O.: Well, but **this is what you remember** and *what more do you remember?*
Elvira: Perhaps I don't remember. Perhaps it'is just something I've made up.
P.O.: Well, but ***IF WE LEAVE THIS OUT OF CONSIDERATION.***
Elvira: Hm.
P.O.: **Is there any other recollection emerging?** You talked about your sister. And daddy and you had no cloths on. Do you recall what room you were in?
Elvira: Perhaps in our room at our house and perhaps in our room in the apartment.
[bold and italics by MS]
[Q-12:1]

Clearly, Elvira talks about an image, or even about something that she herself calls a lie, but definitely not about a recollection.

The second time the police asked about the bedside event Elvira recounted another version. Both she and Ingrid sat on the bedside, and the aim was that the father should express his hate. No sexual activity took place.

A third version is that both sisters were sitting at the bedside. In order to punish Elvira the father inserted his fingers into Ingrid's vagina. – But we know that Ingrid denies that she had experienced or watched anything indecent.

On 1992-06-09 Elvira recounted a fourth version. She had been disobedient toward her father. In order to punish her he had inserted his fingers into her sister Ingrid's vagina.

It may now be clear why I suggested that not only preschool children but also teenagers and adults may mix things up and get hold of the wrong end of the stick, when someone tries to indoctrinate them to "recall" events and situations outside their experiential world.

A fifth version was told by Mollbeck when she was interrogated on 1992-06-24; i.e. immediately before the trial of the father started. Both Elvira and Ingrid were sitting on the bedside. And then their father entered the room and inserted his fingers into Ingrid's vagina. His aim was to punish Elvira, who was forced to watch it.

But Ingrid denies having been exposed to or witnessed any indecent behaviour. And despite the close emotional relation between the sisters, Ingrid told the police that she had no idea about what Elvira might have accused the father of. On 1992-04-29 Mollbeck informed the police that she had especially told Elvira to say nothing about this to Ingrid.

It is not difficult to understand Mollbeck's motives for concealing from Helena what kind of therapy the latter paid for; a treatment that would lead to a prison sentence for Helena. Nor is it difficult to understand the motives for keeping Ingrid away. If Elvira had told Ingrid about her "images" of the bedside assault and all other assaults involving Ingrid, the risk was overwhelming that Ingrid's correct memories would have awakened Elvira from her false memory syndrome state and made her realise that the indoctrinated occurrences had no connection with reality.

(I cannot imagine that Mollbeck could have had any other motives, although a few alternatives are logically possible.)

An ad hoc sophism for refuting my analysis would be the suggestion that Elvira had referred to four different assaults, and that she had given a correct account of each. But this sophism does not explain away Ingrid's unambiguous testimony that she had not participated in any such events (or in any other indecent event).

In the first judgment by the court of appeal, dated 1992-11-05, the judges refer to the bedside event in the following words, which were also quoted in chapter 7:

> "At least once he [= Oswald] has had sexual intercourse with her [= Elvira] in full view of her sister Ingrid."
> [Q-12:2]

I may be excused for repeating two fundamental facts: The judges felt no need of asking Ingrid, who allegedly was an eyewitness. And between 1992-02-03 and 1992-04-28 Elvira repeatedly reported that she had no memory of any assault,

while she on 1992-04-28 was certain that no assault had occurred during the last 5½ years.

Chapter 13
Elvira's Procurement Activity

On 1992-04-22 Mollbeck told two social workers what Elvira had allegedly told her. Elvira had said that since she was ten years old she had procured young boys for her father's paedophilic abuse. Mollbeck repeated this accusation in the police interrogation of 1992-04-29. She added that Oswald had told his daughter to dress in sexy clothes, because such dressing would facilitate this task.

Elvira has never confirmed this fabrication. The police officer asked her about this during three different interrogations. She was manifestly confused, and it took some times before she grasped what the officer was talking about. The only thing she knew about her father's male partners was that on one single occasion a long-standing male partner aged 35-40 had coffee with the whole family.

But if Elvira really had procured young boys, it is incomprehensible why she told a number of people that no sexual abuse at all had occurred during the last 5½ years; and even more so that she on 1992-04-27 merely *suspected* that her father had abused other children. In addition, Elvira and Annette (the judge's daughter) had spent a lot of time together, and Ingrid had often been together with them. Many such contact may not exclude the opportunity to perform a limited number of sexual assaults. However, it would have been quite a different situation if Elvira had regularly brought home boys without either Ingrid or Annette ever noticing it.

Chapter 14
The Consolation Assault

On 1992-05-05 Mollbeck gave the police a very detailed account of *the consolation assault*. Note that this is a very early time – only one week after the first police interrogation, in which Elvira had no recollections of any sexual abuse.

Nevertheless, Mollbeck claimed that she was merely passing on what Elvira had told her on the night before while she sobbed and cried a lot. The consolation assault took place as follows. The father had been depressed and had lay down beside Elvira in her bed. He had started to (decently?) fondle her. But the fondling had gradually changed into rape. Mollbeck also stated that this event was the last assault committed by the father, and that it happened in April 1991.

Let us suppose that the father had a strong paedophilic drive, which he had satisfied without restrictions for many years. Then how did he manage to abstain from abusing his daughter during the subsequent four months, while Elvira still lived with her parents and sister? And Elvira will later state that her mother had abused her as late as October or November 1991. Then why did she exclusively focus on *paternal* assaults during the first half of 1992?

According to the incest therapist Elvira did not recount any concrete events until after the first police interrogation. Not until May (and definitely not before May 7th) did she *begin* to have *"an image"* that her father was laying on top of her. *"She had asked herself if it was possible that he could have done so."* Clearly it was not a memory at that time.

None of Elvira's accounts are even remotely as rich in detail as Mollbeck's account. On the 8th May she delivered an altogether different version of the consolation assault to her therapist. Her father was depressed and lay down beside her in bed. He started to fondle her. *But from that point onwards Elvira has no memory of what happened.* – This version was not reported as an image but as a real memory. But it contains no indecent or criminal constituents. It is also in complete agreement with the account provided by the incest therapist. The latter merely added that Elvira had later told her that this had been the last assault, and that it had happened while her mother was taking a four-month course in another town. The course ended on 1991-05-10.

Although we shall never learn the truth, it is a recurrent pattern that recovered memory therapists take their point of departure in authentic but trivial events, which they transform into sexual assaults. If Mollbeck's version were true, it is incomprehensible why Elvira should tell her therapist the decent and non-criminal version to her therapist. By contrast, the reverse pattern presents no problems.

In the police interrogation of 1992-06-04 the police officer asked: "What I would like to know is what happened, how daddy proceeded, you said that he used his hands." Before answering this question Elvira inserted a most illuminating prologue:

> "But it's very difficult, is it, because *what I told Fanny [Mollbeck] sometimes wasn't correct*. One recounts a lot of things that *aren't really correct*, but such that *one will have to change them a little*. But **would you be prepared to receive information if it isn't really correct?**"
> [Q-14:1]

And then Elvira went on to say that what she will tell now is the same [incorrect] thing she told Mollbeck. The first stages of the event do not differ from the other versions. But then she continues:

> "his fondling became more brutal and finally it was no longer fondling, suddenly it was hard, although I didn't want to and tried, and although I hit him, it was so hard that *I can't get rid of the image of the girl who is lying there and is about to be strangled*; in the end it was so hard that my entire body had gone to sleep, so that all my body was asleep so that all my body was asleep and all of me was scared and all of me felt deadly agony, oh, I can't feel it."
> [Q-14:2]

The Lucia assault has already been described. Elvira recounted it for the first time during the police interrogation of 1993-01-18, where she explicitly stated that this memory or image that had emerged recently. At that time her father had been convicted by two courts and had exhausted his right to further appeal.

The Lucia assault is mentioned here because it is difficult to assess whether it is this event or the strangulation version of the consolation assault that is most detailed. One reason is that the account of the Lucia assault was not audio- or video-taped. However, of all the events reported by Elvira before her father was convicted beyond appeal, the strangulation assault is the most comprehensive. Yet it is flagrant that it contains very much fewer details than Mollbeck's account.

Moreover, we should not forget Elvira's explicit statement that the narrative she is telling the police, is not correct. We should ask ourselves why she delivered a false version to the police, if she had been in the possession of authentic recollections. We should also ask wonder whether other narratives might likewise be false.

An effective interrogation officer would have tried to obtain information about what parts of the story were untrue, as well as about which other non-told constituents were true instead.

The officer should have inquired about several fundamental features, inter alia the aforementioned questions, and also whether other accusations were likewise wrong. Furthermore, we have seen how prone Elvira was to retract her accusations, if the police showed any form of disbelief. Elvira seems to have said that Mollbeck was the person who decided that what was wrong. But then Mollbeck should have been interrogated about these events. What constituents were wrong? And how could Mollbeck know that they were wrong?

The best guess is that Mollbeck was not satisfied with a narrative, because it did not contain a sexual accusation. Elvira does *not* state that her father partially

strangled her in order to break her resistance against being raped. On the basis of Mollbeck's narratives outsiders (such as the police officer) might be inclined to guess that this was what happened. But Elvira has elsewhere stated that her father had done certain things to *both* his daughters, though *not* for any *sexual* reason but in order to express his hate.

It is highly unethical and against all rules of objectivity that the authorities accepted Mollbeck's "improvement sessions", when she "helped" Elvira to make her accounts "better", and that the authorities even encouraged such behaviour.

Note also that when it comes to genuine memories, it is extremely rare for human beings to view themselves from the outside, just like an external observer would do.

A very brief police interrogation conducted on 1992-06-17 is solely devoted to one single question: Was the consolation assault genital or anal? Elvira cannot say. – But note that this question is indefensible because it is strongly presupposing. In contrast to Mollbeck, Elvira had not in any of the 40 police interrogations said that a sexual constituent was involved in the consolation assault. – Unfortunately, I have seen many examples of the failure of judges and prosecutors (and also of many defence counsels) of detecting whether the person who makes certain statements was really the injured party or merely some of her "allies" (e.g. a social welfare officer who was also present during the interrogation).

Finally, it would be dishonest and sophistic to try to save Mollbeck's narrative by suggesting that three different consolation events had occurred.

It is a remarkable fact that none of the judges attributed any evidential power to Elvira's own statement that her information was *not* correct. They did not even ask her what features were incorrect, and what other feature were correct instead.

In due course we shall see that Mollbeck was the one who decided what was not correct.

Chapter 15
The Mother Had Also Abused Elvira

It would be a strange suggestion that Elvira's denial of any assault by her father during the last 5½ years could be considered to be "compatible" with abuse by her mother during the same period. Moreover, if the very last paternal assault took place in April 1991, and the mother had abused this daughter even after the move to the Mollbeck family (viz. still in October or November 1992), then it is strange that Elvira during the first half of 1992 exclusively focused on assaults by her father. In turn, it is odd that Elvira merely expressed her private conviction that her mother was aware of the father's assault, if both parents had raped both daughters in their double bed next to each other.

But in all these examples, it is evident that Elvira was reflecting Mollbeck's ideas at the time.

Unsurprisingly, the first insinuation that Elvira had been homosexually abused by her mother, is found in the police interrogation of Mollbeck conducted in 1992-04-29.

Mollbeck also played a role in the second emergence. She was present during the entire therapeutic session of 1992-06-11. This is the first documented occasion when Elvira accused her mother of criminal sexual behaviour. It is unlikely that the purpose of Mollbeck's presence was anything else than to ascertain that Elvira would deliver the new accusation.

It is a recurrent pattern that important things happen when Mollbeck is present. When she accompanied Elvira to the general practitioner on 1992-03-19, the latter reported both daughters as being incest victims. When she talked to the social workers on 1992-04-22, these decided to start working on the assumption that Elvira had really been sexually abused.

Elvira had participated in six interrogations both before and after the therapeutic session in which she accused her mother. Despite this, she did not tell the same things to the police until 1992-08-24, and not until the police officer had introduced the subject. At the very start of the *seventh* interrogation the police officer said that she had learned from somewhere else, that Elvira had told something about her mother. The source can only have been Mollbeck. She was eager that the stories, which she had invented and indoctrinated, should be passed on to the authorities.

The Lucia assault and the Gotland assault also involve the mother. But both likewise contain other crucial information. On 1992-10-02 Elvira explicitly states that the Gotland assault is a new *image* (not even a new *recollection!*), which she had not yet got on 1992-09-14, the time of the preceding interrogation.

Elvira did not say one single word about the Lucia assault until 1993-01-18. Prior to this date she had participated in three sets of legal proceedings; two at the district court in which either of her parents stood trial, and one by the court of

appeal (the trial of her father). At none of these three trials did she mention this event.

Moreover, when Helena was tried by the court of appeal for the first time in spring 1993, Elvira still kept silent about the Lucia assault. And she added that neither parent knew much about what the other did to her. However, both the prosecutor and Mollbeck knew what she said in January.

The prosecutor invoked a document that showed that Elvira's sister Ingrid had also suffered from many minor diseases. This document was used to support the allegation that Elvira had been sexually abused. None of the judges discovered that it proves the very opposite state of affairs. If Ingrid had had such diseases despite the fact that she had not been abused, then the very same diseases in Elvira would not prove or suggest that she had been abused.

Chapter 16
Elvira and Ingrid Were Hired Out as Prostitutes at Sex Clubs

The first occurrence of the theme involving clubs and sexual abuse of Elvira, is found in the police interrogation of 1992-06-04. On this occasion Elvira says nothing about sex clubs. Instead she says that in *The Club of Deaf People* there are lots of fellows – "like ants in an anthill" she says – who rape her.

This is a typical example of getting hold of the wrong end of the stick. Hence, it is a strong indicator of indoctrination. It goes without saying that nowhere is there a hint that Elvira was capable of producing such a strange idea on her own.

The police officer abstains from pursuing this topic – probably because she understands that this allegation is nonsense.

1992-06-09 is the date of the first police interrogation in which Elvira talks about sex clubs. Take careful note, both of what is asserted and what is missing. Note also the quick alterations of the narratives over a period of only five days.

She says that her father took her to a sex club where she had coitus with men. Her mother did not know about this sex club. Elvira had *a feeling, but only a feeling*, that her mother had *"something"* to do with sex clubs. At this date she had not yet accused her mother of any pimping activities. And neither of the parents was accused of having hired out Ingrid. She had not even stated that Ingrid had ever been present at a sex club.

On 1992-06-11 Elvira visited her incest therapist. *First, note that this occurs only two days after the police interrogation just described.* If all the documents are taken at face value, several fundamental recollections emerged during this exceedingly brief period of time.

Second, notice that Mollbeck was present during the entire session. In this case (as in many other cases) this is an illegitimate way of conducting therapy. The presence of another person could easily have one or both of two related effects: the patient may abstain from telling certain things, and may feel forced to tell certain other things. It cannot be doubted that Mollbeck's aim was to ensure that Elvira told some of those things which she had "forgotten" to tell the police.

I am aware of the existence of family therapy and other variants of non-individual therapy, in which several patients (family members) are present at the same time. But this is irrelevant, because it is clear that the incest therapist was not engaged in providing family therapy for Elvira and never considered Mollbeck as a patient.

Elvira said that she had had sexual intercourse with a dog. She was not sure if this happened in a sex club. On the other hand she was certain about something else: she was forced to watch that Ingrid was raped on the other side of a one-way-mirror.

On one occasion the sex club had closed for the night. All the staff had gone home. But they had forgotten the two sisters, who were 9 and 11 years old at that time. They were locked in. They shouted, and someone had come and knocked

at the door. After this event this sex club was closed down. And henceforth Elvira had to go home to the (male) customers.

There are many oddities in this story. Elvira's family did not live in Stockholm, and it would take an hour to travel home by car. Were Elvira and Ingrid sometimes at the sex clubs without their parents? Or did one or both parents fail to notice that the children were not in the car on the way home? The staff at the club cannot have been unaware of the fact that child prostitution is a serious crime. Did they fail to take even a minimum of precautions for preventing detection?

If some passer-by happened to hear the girls shouting, how did he or she find someone with a key? Did the girls give them a telephone number? Why did this passer-by not become suspicious about finding two underage girls in a sex club? Why did he or she not report the event to the police?

At a later time Elvira mentioned a large number of sex clubs, some of which were only used by one of her parents and some by both. If this were true, how come that she needed to visit the male customers in their homes because *one single club* had closed?

Did Ingrid also have to go home to the customers?

Ingrid was again put forward as a key eyewitness of numerous events and situations related to Elvira's sex club stories.

Later, the police took Elvira (but not Ingrid) to all known sex clubs in and near Stockholm. She did not recognise any of them. And her description of them corresponds to the interior of *The Deaf Centre* (The House of the Club of the Deaf People) in Stockholm. The police also spent many days driving Elvira around in the town in the hope of finding anything she might recognise (including the customers' home addresses). All in vain.

Chapter 17
Elvira Promises Future Memories Concerning What She Does Not Recall Today

It is normal for people to forget things temporarily, and to be certain of being able to recall this information within a short period of time. Even a skilled musician may momentarily forget Mozart's first names.

But such examples are irrelevant in the Elvira case. It is quite another matter if a soldier who had spent the last five years at an active war front, forgets that he had ever been a soldier two months after his return. Similarly, we have a quite different situation if Elvira had been continually abused for about seven years, by innumerable known and unknown people, but had completely forgotten each and every assault only two months after they stopped.

Numerous reputable scholars have by now established that repression and lifted repression with re-entry of hitherto unconscious recollections do not exist. The postulation of many psychoanalysts that they regularly observe such phenomena is fraudulent and deliberate fabrications. A large body of documentation concerning the errors of psychoanalysis can be mentioned here: Bénesteau (2002), Crews (1995, 1998, 2006), Esterson (1993), Eysenck (1985), Israëls (1993, 1999), Israëls & Schatzman (1993), Macmillan (1991, 1997), Mahony (1984), Scharnberg (1993), Sulloway (1979), Timpanaro (1976), Wilcocks (1994, 2000). But it should also be noted that nowhere in Freud's *Gesammelte Werke* can we find one single example of a patient who has recollected an event after the treatment, which he or she did not recall before the treatment. And the same is true of all later psychoanalysts. The only exceptions are those who have become recovered memory therapists.

Some experimental psychologists (e.g., Loftus & Ketcham, 1994) have also noted the absence of recollections in the scientific literature.

The most comprehensive and exhaustive book on amnesia and subsequent recall is *Remembering Trauma* by Richard J. McNally (2003). Chapter 7 in particular should be consulted. The existence of amnesia after a head injury, later followed by recall, was known even before psychoanalysis was invented.

Rare cases of amnesia occurring after severe psychic pain or shock have, however, been documented. But if memory is later regained, it will come back *suddenly and in complete form*. By contrast, in patients undergoing recovered memory therapy we almost always observe (a) a gradual return in the form of small fragment, (b) a gradual transition from foggy to clear images, and (c) a gradual change from conceiving of the events as fantasies to experiencing them as authentic memories. – And, as McNally has shown, such patterns have never been observed when genuine amnesia was involved, but only as a result of indoctrination.

Elvira reveals all the signs of a patient who has been indoctrinated by a therapist. She even repeatedly promises future recollections of events she cannot currently remember and is not aware of having ever remembered. I have selected

some quotations taken from different police interrogations. I could easily provide many more quotations of the same kind.

> "All the time things come up, you know / The longer time it takes, the more will turn up / ***I'll train on the steps and the door*** */ It will appear because it doesn't leave me alone* / I'll to do it at home /
> Could you tell me, well, what I shall look for, because I think, if there's something that you, because I, it is much easier to look when you know exactly what to look for." (1992-05-04) [bolds and italics by MS]
> [Q-17:1]

> "When I see those images I can see *one thing very clearly* and then *the next second almost not at all* and a second [later] almost not at all, but it is *very difficult to connect them*. /
> And then everything ends just because you're afraid, 'cause you won't go any further, then *you must wait a few days*, and then you may dive down again or an hour or *until you are ready to go down* / I can't see it / but *it will come, all of it* / I don't know, you distract me all the time so I need a few days to think, you know / *no, I'm closed, well, there's nothing there right now / I feel I must go home and work at it*." (Elvira 1992-06-04) [bolds and italics by MS]
> [Q-17:2]

> "You must know that there is a lot more inside me, but *I want to test it at home first*. / I'm busy working up an image about a fellow whose name is Bertrand who mummy used to go out with, but I don't really have it, it's hidden among all that other stuff just now." (1992-06-09) [bolds and italics by MS]
> [Q-17:3]

> "I don't recall more right now, but it will come / You mustn't rush me." (1992-12-11) [bolds and italics by MS]
> [Q-17:4]

> "It turns up in bit by bit. / The images grow inside me a little at a time." (1992-12-22) [layout by MS]
> [Q-17:5]

Chapter 18
Eighth Theme: Cliché-Theories

The cliché theories found in the Elvira case belong to two categories. One category derives from certain feminist circles (which we must hope are not typical of feminism in general). The other category is primarily connected with recovered memory therapy.

From the very beginning in the 1890s all variants of psychodynamic therapy essentially consisted in influencing the patient. The two basic therapist behaviours were *persuasive techniques*, aimed at manipulating the patient to believe in the interpretations, and *enraging techniques* aimed at producing violent outbursts of impotent rage. The second category will be ignored here. However, the same therapists who have applied these two techniques, have always and forcefully asserted that they were careful never to influence the patient. It should therefore come as no surprise that Mollbeck also asserted that she never influenced Elvira.

From a scientific point of view it is not significant that the kind of sham recollections fabricated and indoctrinated by recovered memory therapists exclusively consisted of events of sexual and ritual abuse, while previous psychodynamic therapists would primarily indoctrinate beliefs in other kinds of childhood events (e.g., that the patient had witnessed parental coitus as an infant). The fundamental difference is that the earlier therapists were content, if the patient *verbally agreed* that he had experienced certain events, and that these events were the cause of his present ailments. Recovered memory therapists demand that the patient must *recall* these fictive experiences. And this is a radical innovation.

These new therapists use the Freudian terminology and obstinately claim that they merely lift repression, thereby enabling memories that have been buried in the patient's unconscious mind for years or decades to enter the patient's conscious mind.

Many therapists feel that they need to explain why the patient had not spoken much earlier. One standard explanation is that the victim in the beginning thought that her sexual relation with the perpetrator was a beautiful thing; and that she only later had understood that it was rape. As we might expect, this is exactly what Elvira said to her incest therapist in the session 1992-05-07.

The first police interrogation of Elvira was conducted only 9 days before this therapeutic session. During this interrogation Elvira did not recall one single assault, but she was certain that no assault had occurred during the last 5½ years. If this is true, we are entitled to obtain information about the time at which she thought that sex with her father was a beautiful thing. She can at the very most have been ten when she entertained this view.

She later said that she felt disgust when semen flowed in her mouth, and she felt pain in her rectum. These are not phenomena that are likely to produce feelings of beauty in a 10-year-old (an inconsistency overlooked by the judges).

Next we shall turn to the cliché theories entertained by certain feminists. An apt illustration is found in the police interrogation of Mollbeck 1992-06-24. She "passed on" a recent allegation by Elvira: her mother had forced her to lick the mother's genitals. Mollbeck also described Elvira's state of mind: Elvira had always shown strong emotions when she had told her recollections. But when she told about assaults carried out by her mother, she revealed *"a degree of sadness" that Mollbeck had never seen previously. "It was as if her innermost door had been opened"*.

During the police interrogation 1992-08-24 Elvira repeated a number of times that she was more shocked by her mother's abuse. She also explained why. According to her firm conviction [*at that time!*], it was not highly surprising that fathers and men might abuse children. But she definitely believed that mothers could not do such things.

This theory has many times been stated in print by certain feminists. But it is unbelievable that a child aged 10 or less could develop such an idea on her own.

Many psychodynamic psychologists and psychiatrists perceive children as small-sized adults. Above, I referred to chapter 87 in Scharnberg (1996, II), where I investigated recurring features in indoctrinated narratives told by pre-school children. But the crucial causal factor is probably neither biological age nor psychic immaturity. It is that the fact that the event that was indoctrinated lies outside the victim's world of experience.

Scharnberg noted that *"Indoctrinated allegations will very often contain anachronisms."* There is an urgent need for a simple term for a fundamental concept. And for want of a better term, Scharnberg suggested the word "anachronism". Anachronisms comprise all kinds of adult thinking etc. in children. Due consideration must be taken of the fact that many children are much more rational than most people expect, and that some children are what is called – with an even more inappropriate term – "premature". But to qualify as an anachronism, a phenomenon must differ much more from children's "normal" reactions, than "pre-maturity" and similar phenomena would allow for. In a divorce and custody case the father was arrested when 5-year-old Synnöve said that she had fucked her 7-year-old brother, while daddy had fucked granny (Scharnberg, 1993, chapter 28).

It is a typical anachronism that Elvira, when she was ten and younger, thought that sex with daddy was beautiful. Another example is that sexual assaults by mothers are more painful than assaults by fathers, because you are more likely to expect evil acts to be perpetrated by men than by women.

Two further anachronisms are that Elvira thought that her mother was aware of the father's abuse; and that Elvira at the age of four or five had told her maternal grandmother about the mother's assaults – but it was a secret, and Elvira induced granny to promise never to tell it to anybody.

All these anachronisms were "passed on" to the police by Mollbeck.

But they are hardly compatible. The facts of the case are in better agreement with another pattern. When Mollbeck indoctrinated Elvira to say that her mother was aware of the father's abuse, it had not yet occurred to Mollbeck that the mother had performed sexual assaults, and neither that Elvira had told her granny.

Some cliché-theories will be postponed to the next chapter.

Chapter 19
Inconsistencies in the Information Supplied by the Incest Therapist

The incest therapist may not have invented or indoctrinated any of Elvira's pseudo-memories. But at the very least she actively contributed to the consolidation of the pseudo-memories indoctrinated by Mollbeck.

For years, Steve Harvey, who visited Sweden in 1992, propagated that ritual and Satanist child murders were common in the United States, although the FBI has been unable to find one single example. The incest therapist testified in the final court of appeal that she had arranged five therapeutic sessions with Harvey because of the similarity between his ideas and Elvira's narratives. These sessions took place at the incest therapist's office. Harvey construed this similarity as proof that Elvira had talked about authentic occurrences.

A patent oddity is involved in this case. It is worth noticing that it was overlooked by all the judges, other jurists, police officers, psychiatrists and psychologists.

The incest therapist played a double game. The first meeting between Elvira and Harvey took place on 1992-09-23. On the one hand, it is impossible for the incest therapist to have arranged such a meetings, unless Elvira had told her about ritual murder of children before that date. On the other hand, Elvira did not mention these murders to the police until two months later, on 1992-11-22.

There is therefore strong reason to believe that Mollbeck and the therapist had agreed that Elvira should keep silent about such things in the courts. And their motive must have been to avoid the risk of Elvira's father being acquitted of the other two charges: sexual abuse and pimping.

He was actually convicted by the court of appeal on 1992-11-05. According to Swedish law he had thereafter exhausted any right to further appeal. Seventeen days later Elvira ceased to conceal the murders from the police.

Helena was tried in the court of appeal in April 1993. Even during this trial both Elvira herself, the prosecutor, and his witnesses kept their mouths shut about the child murders.

During this set of proceedings Elvira also kept quiet about the Lucia assault. And one reason must have been that Ingrid denied having participated in such an event.

When the case was re-opened and re-tried in 1994, the chairman of the court did not permit cross-examination of the incest therapist on any non-trivial topic; inter alia, whether she believed in Elvira's narratives. He may have realised that the therapist would otherwise have had much difficulty in explaining why she believed in the accusations about sexual abuse and pimping, but not in the accusations about the child murder. Most clinicians (including this incest therapist) boast of possessing a unique capacity for seeing through people. But it would have

been a weakness if the incest therapist had stated, say, that she had merely accepted the results established by the police.

The police had thoroughly investigated the murder accusations and found them to be palpably false. The pimping accusations had been superficially investigated. Nevertheless, the outcome of this investigation would normally have been sufficient for withdrawing this charge. The sole reason why it was not withdrawn was the ongoing sex abuse craze. – It must also be added that the truth-value of the abuse accusations had not been investigated at all.

The incest therapist only made two clear statements: she never believed that *Elvira herself* had killed anyone. And it was not her task as a therapist to assess the truth-value of what her patients told her. – The chairman of the court strongly supported the latter statement.

Several aspects are important here, however. First, the incest therapist belonged to one of the psychodynamic schools. During most of the 20th century almost all (possibly literally all) psychodynamic therapists have agreed upon three premises:

(a) The cause of psychic illness consists essentially in false beliefs entertained by the patient.
(b) Therapy consists essentially in removing the patient's false beliefs and substituting them with other, true beliefs.
(c) Correction of these false beliefs will necessarily produce symptom removal.

This calls for a passing remark. These three statements are not discrepant from Albert Ellis's rational-emotive therapy (although Ellis might disagree whether this is true of all illnesses, all symptoms, and absolute necessity). But the main difference is found in the kind of false beliefs suggested by Ellis and the psychoanalysts, respectively. One typical belief listed by Ellis is this. "The idea that it is a dire necessity for an adult to be loved or approved by everyone for everything he does – instead of his concentrating on his own self-respect, on winning approval for necessary purposes (such as job advancement), and of loving rather than being loved."

I am not going to discuss Ellis here. I shall merely mention that Rachman & Wilson (1980) noted, that the belief just quoted as well as the other beliefs listed by Ellis, are actually rare among neurotics. In addition, I myself have never encountered one single instance in the literature of a patient who entertained such beliefs – not even in Ellis's own writings.

What is crucial here is that the beliefs suggested by Ellis are much more "down-to-earth" than the beliefs applied by psychoanalysts.

As for the later: The Greek-Danish princess Marie Bonaparte never had an orgasm during coitus. Freud was her analyst, and he requested her to believe that the cause of this symptom was that she before the age of two had witnessed her wet nurse practicing fellatio on her father's illegitimate half-brother.

It can easily be seen from Freud's writings that he does little else than forcing his interpretations on his patients. The same feature is apparent in the writings of many of his followers.

Admittedly this feature is absent in some recent writings. But this cannot be taken as evidence that recent psychoanalysts have changed the nature of their treatment. In fact, Scharnberg (1993) devoted an entire chapter to showing that psychoanalytic writings have, during the past hundred years, become increasingly drained of empirical information. Hence, we can today hardly learn anything from them about what the patient does, and what the psychoanalyst does. There is little evidence of whether contemporary analysts work as Freud did in this respect, or if they are doing something quite different. This draining of information is now so extreme that it can only be intentional.

It is not difficult to understand the draining, because all concrete information has eventually turned out to be compromising for the authors.

Around the 1960s psychoanalysts faced the problem of convincing their sceptical colleagues of the truth of their interpretations. Some therapists chose to admit to their colleagues that their interpretations were not really true. But they did not admit the same thing to their patients, and they continued to force the same interpretations on them, just as if they still believed in the three statements listed above.

Recovered memory therapists faced a much greater challenge when the indoctrinated pseudo-memories were taken to court. Like their predecessors they persistently denied that they had influenced their patients. Many of them testified in the courts that the patients' accounts were true recollections of authentic events.

But in cases where some accusations were blatantly false, psychiatrists' and psychologists' testimonies often include the declaration that, because *they are therapists it is not their task to assess the truth-value of their patient's narratives.*

Therefore, the testimony of Elvira's incest therapist should come as no surprise.

Another declaration is likewise frequent among psychiatrists, both inside and outside the courts. "It is impossible to conduct psychotherapy with an alleged abuse victim without basing the treatment on the premise that the patient has really been sexually abused."

Both these declarations constitute a fundamental break with psychodynamic tradition. Freud (GW-XVI:94/SE-XXIII:250) wrote: "Finally we must not forget that the analytic relationship is based on a love of truth – this is, on a recognition of reality – and that it precludes any kind of sham or deceit."

Suppose I imagine that my neighbour every night sends magnetic waves through the wall, which throw me into a somnambular trance. And then he goes into my apartment and sleeps with my wife next to me. – It is easily seen to be nonsense that it would be impossible to give me any therapeutic help, unless the therapy was based on the premise that my imaginations were true.

What *is* true, is a much more modest statement. From the therapeutic point of view, correcting my fantasies may not be the task that should be undertaken first.

Note a further absurd consequence of the second declaration. If it was not the task of my therapist to assess the truth-value of my fantasy, then I could well be completely cured, even if I still had the same fantasies.

Preschool children as well as adults have become seriously ill from indoctrination. Maintaining that therapy is impossible unless their illness is

consolidated is absurd. And maintaining that a responsible therapist should not help the patient to be free of the indoctrinated pseudo-memories, is equally absurd.

A quite different aspect cannot be stressed too much. *Judges are no experts on psychotherapy.* It is a frightening development if a judge imagines that he can know whether or not it is a part of a therapist's job to assess if a patient's alleged recollections are authentic or not.

Elvira told the social services that she had been pressed to tell narratives that were false. She insinuated the same to the police and even asked the interrogation officer for a small amount of support, so that she would have the courage to tell the truth. It is known that she became ill from the requests for pseudo-recollections. It is an odd view that any adequate therapy that could be given to this girl should involve exposing her to the same influence that made her ill.

Chapter 20
Observed Genital Injuries?

The legal relevance and significance of my analyses in the preceding chapters could be rejected by the argument that I have [so far] not commented upon those two justificatory reasons which, according to the fifth and final judgment by the court of appeal, were decisive for the verdict.

One gynaecologist testified that injuries had been observed in Elvira's sex organ, which could only have been caused by sexual abuse. This expert also testified that girls never masturbate in a way that causes injury.

And a psychiatrist testified that Elvira suffered from post-traumatic stress disorder (PTSD), and that this is a common effect of sexual abuse.

The gynaecologist who testified in this case was Kari Ormstad. She is unusually well known to several courts of appeal because of a remarkable number of strange contributions. She has invariably supported the prosecutor, *unless* contradicted. She has invariably observed some "injury" which "could only derive from sexual abuse". Most Swedish defence counsels are very passive. But in some cases the defence counsel engaged one or two other gynaecologists, who rejected her results. However, when faced with this situation in court she made a U-turn, retracted her evidence, and agreed with the defence experts. She always avoided conflict, and therefore her "mistakes" were soon forgotten.

In one case the photo of an infant's genitals showed a white stain. Ormstad testified that this stain proved that the girl had been abused. The defence counsel sent the photo to another doctor, who happened to receive the photo while he attended a medical conference. Therefore many doctors got the opportunity to study the photo. All agreed that the stain derived from the flashlight.

What should one think about judges who, in one case after the other, have convicted defendants on the basis of pseudo-evidence delivered by Ormstad?

An unusually large defence team has re-analysed all the evidence of the Elvira case, and a new trial motion was prepared. Unfortunately, Oswald died from cancer, so the motion cannot be handed to the Supreme Court. Nevertheless, I can reveal that two gynaecologists state that there was no injury to Elvira's genitals. They also state that it is impossible to determine whether there are any injuries by the methods applied by Ormstad.

Although I am no gynaecologist, I can contribute with some crucial information. Injuries produced by masturbation can be found in the medical literature, and it is common knowledge that the pain threshold is many times higher during sexual ecstasy. Reich (1942:49) describes a female who used the handle of a knife as a masturbation tool. Occasionally the knife was inserted too far and produced bleeding wounds and fissures at the entrance to the vagina.

Chapter 21
Post-Traumatic Stress Disorder: the Recency of Its Association With Sexual Abuse

The postulation about a connection between sexual abuse and post-traumatic stress disorder is remarkably recent. Many Swedish and international writings contain lists of real or alleged negative effects of abuse that had been observed. In the Swedish literature great authority is attributed to the following four titles: Monica Dahlström-Lannes (1990); *Sexuella övergrepp mot barn. Allmänna råd från Socialstyrelsen 1991 no. 3*; the same booklet revised by Monica Dahlström-Lannes and published in 1993; and Kaisu Akselsdotter (1993). Dahlström-Lannes was considered to be the leading expert on sexual abuse within the Swedish police for twenty years. – The next two books were published by *The National Board of Health and Welfare*, and the last was published by *Save the Children*. All four books contain lists of sexual abuse symptoms.

Note however that in none of these books is PTSD mentioned as a possible effect of abuse.

Patricia & David Mrazek (1981): *The effect of child sexual abuse* juxtaposed 54 negative effects of sexual abuse that allegedly were observed in 42 books or articles that were been published over a period of 49 years (1932-1981). None of them mentioned PTSD.

It could be argued that PTSD was not included in the usual diagnostic manual until 1980. It is therefore not even physically possible that a book or an article published before 1980 could have listed PTSD. And considering the time needed for (a) first-hand research, (b) publishing the result of first-hand research, (c) juxtaposing the results of many papers on such results, and (d) evaluating, accepting and printing Mrazek & Mrazek's manuscript, these writers could hardly have reported any results about PTSD in 1981.

This objection is valid concerning *the terminology*, but not concerning *the facts*. Before the Vietnam War the same syndrome was called "combat fatigue" and at the time of the First World War "shell shock". If children showed the same pattern of psychic illness that was later referred to as PTSD (a condition that has indeed been observed among child-prisoners of Nazi concentration camps), then descriptions of the pattern would have turned up repeatedly, and only the name would have been missing. – But no trace of such a pattern can be found in any writing.

Sweden is one of many countries that are strongly prone to imitate the USA. The Swedish craze about "detecting" sexual abuse in every corner, and about perceiving such crimes as extraordinarily important, is such a plagiarism. The same is true of the specific arguments applied in legal trials: the abuse symptoms, repression, dissociation, multiple personality, recovered memory therapy, etc.

The idea that PTSD is a recurrent effect of sexual abuse can be found occasionally in American writings as early as 1982. But it did not receive any great impact until 1993. There is a specific reason why this year was decisive.

The longest and most expensive legal case in the entire history of the United States is the trial involving the McMartin Pre-school in San Francisco. The information provided here about this case is primarily taken from Eberle & Eberle (1993) and Earl (1995). Something about this trial was mentioned in chapter 2. The case started in 1983 and ended in 1990. It is an objective fact that no child accused anybody of any crime, and that no child was afflicted by any psychic ailment, until the child had been exposed to intensive and extensive indoctrination by psychologists and pseudo-psychologists. The indoctrination is thoroughly documented on audio-tapes. By contrast, after the psychological treatment the children got serious nightmares, and then they accused 358 people of a wide variety of surrealistic assaults. For example, one of the teachers allegedly brought a lion to the preschool, which performed anal sex on one of the young boys.

As we noted above, the prosecutors realised that a trial of 358 defendants could only end with 358 acquittals. Therefore they prosecuted only two defendants, while all the other suspects disappeared in silence. The district court had borrowed judge William Pounders from the Supreme Court of California. We have seen in chapter 2 that Pounders permitted the prosecutors to mislead the jury, both by presenting adult witnesses who had been promised a great reduction of their punishment if they committed perjury, and by presenting child witnesses whose testimonies Pounders knew to be false.

This trial caused a gigantic media hype all across the United States for a period of seven years. When the defendants were finally acquitted, the rage rose to an even higher level. Because of this hysteria – and not because of any legal circumstances – an entirely new pattern occurred. The same defendants were tried once more for those few charges on which they had been acquitted by less than 100 % of the jury.

In 1990 the second trial again led to acquittal. And now the outrage grew to an altogether new dimension. Some psychologists and psychiatrists realised the need for new weapons. In 1993 Jill Waterman and her co-workers published *Behind the Playground Walls*. They claimed that the McMartin children had really been exposed to sexual *as well as ritual abuse*. The Waterman-team implied that the children and the preschool teachers had drunk blood from the skulls of babies who had been slaughtered. Furthermore, those psychic ailments that the indoctrinating psychotherapists had caused, were called “post-traumatic stress disorder”. By means of this stratagem, Waterman and her co-workers constructed pseudo-evidence for a pseudo-theory about the close connection between sexual abuse and PTSD.

A further note is necessary. While many defendants in many countries had during an extended period been convicted on the basis of “sexual abuse symptoms” of the injured party, Kendall-Tackett et al. (1993) investigated 45 studies of such effects. They found that, with two exceptions, no symptoms were more frequent

among abused children than among non-abused children. One of the two exceptions was PTSD.

However, the Kendall-Tackett team imagined that the McMartin children had really suffered abuse. And they falsely attributed the harmful iatrogenic effects of indoctrination to such imaginary effects. The team only put forward one qualification: since these children had been exposed to both sexual and ritual abuse, it is not clear how much of their PTSD was due to the former and how much was due to the latter. With such a serious flaw their results cannot be taken seriously.

In chapter 36 something will be said about the case of Judith. Here it should be noted that in this case Carl-Göran Svedin invoked Kendall-Tacket et al. (1993), after having had minimal contact with the injured party. The analysis by Edvardsson (1997) is important.

Chapter 22
Elvira and Post-Traumatic Stress Disorder

This pseudo-theory rather soon spread to many other countries. It reached Sweden in 1994, that is, one year after the publication of Waterman et al. (1993). *I have been unable to find any Swedish trial before 1994 in which the PTSD pseudo-theory has been applied.* But since then its frequency has steadily grown.

It is applied in the following way. When the evidence is particularly weak or altogether non-existent, a *specifically selected* psychiatrist may have a brief conversation with the injured party. In turn he or she will testify in court that the injured party suffers from PTSD, and that PTSD is a frequent effect of sexual assault. During the testimony the psychiatrist may reveal his or her minimal knowledge of the thoughts, feelings, situation and personality of the injured party. The psychiatrist may not even know that the injured party has had all the symptoms that supposedly proved PTSD more than ten years before the alleged sexual assaults. But judges will seldom perceive any weakness in the testimony of a psychiatrist who is allied with the prosecution.

Elvira's father and mother were tried separately by the district court and the court of appeal, before the case was re-opened. *But during none of these four sets of proceedings did it occur to any of the clinicians or non-clinicians who worked for the prosecution, that Elvira suffered from PTSD.* At the final proceedings after the re-opening the prosecutor was supported by 9 psychiatrists and psychologists. But only one of them (Hans Kåreland, not a pseudonym) attributed PTSD to her.

What is one to think of those judges who overlooked the recency or considered it irrelevant?

Kåreland applied a technique of bluffing that is frequent in this variety of legal cases. In his affidavit he enclosed an appendix containing an official list of criteria which must be satisfied in order to apply this diagnosis. But he calculated [correctly] that the judges would not compare the content of the appendix with the content of the main text and would therefore not notice the glaring discrepancy between them. In the appendix it is truthfully stated that it belongs to PTSD that the traumatic events are continually present in the patient's mind in the form of severe pain analogous to tooth ache. It is also stated that the patient tries to avoid things that resemble the traumatic events. In other words, the documented total absence of any recollections by Elvira during three months, is incompatible with this diagnosis. The same is true of Elvira's pleasure when she drove around in Stockholm together with the police, with the aim of finding the sex clubs and places where murder had been committed.

Kåreland gave Elvira the diagnosis PTSD in 1994. And he testified in the court of appeal the same year. Cross-examination of Kåreland would almost certainly have revealed that prior to 1994 he had not attributed PTSD to any patient whom he deemed to be a victim of sexual abuse. It is entirely possible that at the

time of his testimony Elvira was the only patient to whom he had ever given this diagnosis.

He presented a second argument as to why Elvira had told the truth about sexual abuse: it is a distinguishing trait of real victims that the power of their mind will decrease, so that they will start to spin yarns about much more than what had really taken place. Consequently, Elvira's false narratives about murder and cannibalism do not reduce her trustworthiness. On the contrary, it constitutes further proof that she had really been sexually abused by her parents.

Note that this is a temporal relation.

The five judges, who had previously handled a considerable number of trials for sexual abuse, were aware of the fact that they had never heard this psychiatric argument in any previous case. Despite this they accepted Kåreland's construction.

Chapter 23
Differential Richness of Detail in Elvira's Sexual and Ritual Narratives

In some cases the injured party provided two incompatible categories of narratives. In these cases *the only option* open to the prosecutor and the experts who support him, is to claim that the narratives of one of the categories are *superior*. It is important for judges and jurors to be aware of the fact that any other option would entail that the prosecutor did not have a case at all. Claims of superiority should therefore not merely be taken at face value.

Incompatible categories are not only encountered in the case of Elvira. In chapter 31 *the blackmailing case* will be presented. When this case was handled by the court of appeal, 14-year-old Graziella refused to testify at all. She had earlier presented both an abuse version and a retraction version. The pseudo-witness-psychologist who assisted the prosecutor, fabricated that the abuse version was superior to the retraction version, *because it was free from contradictions.*

But despite this postulation, the major part of her testimony consisted in explaining away the many glaring contradictions of the abuse version.

This conspicuous feature was overlooked by at least four of the five judges of the court of appeal in Malmö.

Elvira had presented stories both about sex abuse and ritual murder. All the latter allegations were disproved. (The experts and the judges might not have noticed that many of the sexual narratives had also been disproved.) Now, Kåreland asserted that the sexual stories were *superior*, because they were *much richer in details. – Kåreland's argument was accepted by the judges.*

This is significant, because even a cursory glance will reveal that the very opposite is true: all the murder stories are immensely more detailed than the sexual stories.

The most effective way of proving that Kåreland and the judges were wrong, would be to quote all the police interrogations. But for obvious reason this way is not an option for me. Instead I shall first note that the longest line in the police interrogations about murders consists of 806 words, while the longest line in the interrogations about sex abuse consists of 209 words. And this is not an isolated exception; by and large, the lines in the murder interrogations are much longer than those in the sex interrogations.

Moreover, the longest line about sex abuse came to a close because Elvira had said what she intended to say. By contrast, the longest line about murder ended only in a formal sense, viz. because the police officer made the impasse "Mm." Elvira's "next" line is actually the continuation of the same line.

In the quoted excerpts E = Elvira and P = police officer. The number of words refers to the original Swedish text.

The excerpt on sexual abuse is about the consolation attempts, which is the only assault that is described with more than a minimum of detail, without

postulating that Ingrid was an eyewitness. But what if we ask the simple question: what did the father actually do? “Fondling” might or might not mean things that any father could do to his daughter. What body parts were fondled on this occasion? Elvira does not provide any sexual information at all.

It is a well-known fact that some male rapists will half-strangle a female in order to break her resistance. But nowhere in this interrogation does Elvira say that this was what her father did.

[Note that this is a matter of translating a Swedish text of spontaneous talk with a poor grammatical structure partially deriving from many self-interruptions which are not associated with any pauses.]

Police interrogation of Elvira, 1992-06-04 (Sexual theme).

E-187 I remember exactly what I told Fanny, would you like to hear that

P-188 Yes

E-189 In that case it was that he laid down next to me and then I consoled him, and then he started to fondle me, and then I didn’t want that and then I told him [so], and then he started to fondle harder and then he said that it didn’t matter what I said, what I wanted to and what I didn’t want to, that I shouldn’t give a damn about what I wanted to and not wanted to and then he started to fondle more and more and more hard, and in the end it was no fondling, in the end it was hitting, not hitting, it was hard, it was just hard in the end, it was too hard, in the end it was really really hard, even if I didn’t want to and although I hit and although I what I didn’t want to, then it was too hard, in the end it was so hard, that it was, I can’t let go [of] the image of the girl who is lying there and is about to be strangled, in the end it was so hard that it was so sinister that my whole body went to sleep, that the whole [of] me went to sleep, my whole body went to sleep, and I was scared, and the whole me had such death agony, ugh, I can’t feel it. [209 words]

P-190 But this, Elvira, what is this, beautifying you said?

E-191 No it’s just that, that this is about like it was. But it’s just that I would like to use stronger words, I would like to use words which people would think are nutty, I would like to scream and hit and kick, and then I would bring myself down from that corner of the roof and become myself. And to feel all this dread, and how he became harder and harder and harder, and how I finally just disappeared, this is what I would like to do. [87 words]

P-192 There will come a time when you can bring yourself down from the roof.

E-193 But thus it was, everything just became harder and harder and harder, and I knew that whatever I did then it was no use, you know. [26 words]

P-194 Mm.

I-195 It was ploughed because I was nothing, I didn’t exist except like a tool, you know. [18 words]

P-196 Do you remember that he held you tight in some way

E-197 Obviously he did that, and he in the end, so I can’t let go [of] the image of the girl, I know that he held my neck, I don’t know, I can’t let go [of] the image of that girl, because I know that it was me, I know it. [51 words]
[Q-23:1]

By contrast, in the following murder interrogation almost every sentence provides concrete details.

Police interrogation of Elvira, 1992-12-16. (Murder theme.)

E-308 It's in front of a mirror in our hall, in our hall then at Birch Street

P-309 Mm.

E-310 We have a large brown hall mirror, quadrangular with some sort of things, carved-out things. And then, why, I got to see already since I was mighty little, then I have got to see mummy and daddy killing children that they laughed out loud in this particular way. Then they turned towards me so that I should see their laugh, at the same time as I saw that they killed the children then, so this training at home in front of the mirror, then I recall once when I was made to kneel in front of the mirror, anyway I was kneeling so that I came, no this must have been in a green chair, a green chair was it, I have so much in my head and then daddy is kneeling next to me, I had put on a red sweater. Daddy is sitting to the left of me and then they point at me in the mirror and then he laughs. "Look there" he says, "you filthy bastard". And then – lots of such nasty words. "You're nothing" … he makes me, he says a lot of things, which I don't recall right now. He says filthy bastard, I remember. And he says that I'm nothing at all and that I'm … really disgusting and filthy. Then he points at me and tells me to must look at my face and look at me … "look how detestable you are", he says. Then he raises his voice and almost shouts and laughs out loud. Then I'm really really scared, can't be more than 4 – 5 [years old]. Then mummy comes in too. If the hall is here in [the apartment at] Birch Street, then we have the hall continues this way, this is how it is. Then mummy comes from there and the mirror is here. Then I think that mummy will help me, because somewhere I always feel that I got help from her, even though all those things happened. Then I say "Mummy, help me" and she had put on a green sweater and daddy has a dark sweater. And then mummy also starts to point at me and stares at me. Then they stare at me. Then in order not to meet their gaze I must look into the mirror and I do it then and then … mummy points at me and daddy points at me, I look into the mirror and then they laughs at me and then… at me… and then I fee… feel so terribly strongly that there is no one in the whole world who will help me. And then they laugh out so loud, they laugh so much that they, the face is disfigured in this particular way, and then I scream. That's how they are training a little on me, sometimes, and then they will train in other ways too, I remember once, I had to sit in front of the mirror, then I wasn't much older, I was about just as old. At first they pointed at me, then daddy presses me down on the floor, I mean they point in exactly the same way as daddy is standing at the left side of mother on the right. And then they point at me in the mirror and laugh out loud at me, and I look right into the mirror. Then there was one occasion when daddy did mi-, when daddy did this special [thing] that I remember, when he laughed so that all his face was disfigured. Precisely when he laughed so, then he pressed me down on the floor and pulled down my pants and came inside me. When he had done this… then mummy pulled down her pants and moved her lower belly forth and back, just like the old men do, you know… Then I remember that for instance that I was completely alone in the whole world and that's how they taught me. Then they went into this dark room with me and were standing in exactly the same way, though Mats was standing in front of them. Then Mats was standing in the middle, then daddy to the right and mummy to the left. First they went into the circle and then they did so. But … oh there are very much I want to tell so I just get if mixed up. Now we shall begin with the beginning. When we were in that dark room and they started to take me there for using me as a murderer, then they stood in this circle, daddy, mummy and Mats and I was in the middle with a newly born child

then in the beginning. In the beginning it was little foetuses, I shall tell more about that later. Who were dead already, whom they placed there. Then, well, I had learned that when they do this sign then they are killing. And then I had learned that when I, when they made this sign, then I felt … then I felt … so desperately lonely, like you could be, you know, I gave up. Then they had a knife for me that was smaller. [806 words.]

P-311 Mm.

E-312 It was also black and it was about like a… I should think it was that, that long, I should kill the little children. Then they went round in this circle. They approached me from three sides in the beginning. Then I was sitting in the middle and this newly born foetus was also there, who was dead. Then they went towards me. The Mats came from daddy and mummy, at this occasion. Then they went toward me, then they began going round in this circle… Pointed at me they did the first time and stamped and had… They made noises and then they were laughing. They laughed more loud and more loud and more loud and were stamping and stamping and stamping faster, ah harder, ah harder, ah harder and made noise. And I was very… as I told before, I was really really scared so that I did not manage to remain into myself, but I gave up, I knew I was lost, So I took the knife and killed the child, because they had taught me that they did, I understood that they wanted me to do this, that's how they taught me. [188 words]

F-313 Hm, you are talking of, of foetuses?

E-314 There were children, girls, who were not as emaciated as the other girls and who were somewhat older, 14 to 15, they stop- … At first Mats or daddy or somebody, I didn't see who made it, but sometimes it was daddy and sometimes it was Mats, sometimes I saw it. They raped these girls … Several times then, because they wanted to make them pregnant. Then the girls were locked up in the dar- … in such a dark room, They're different sizes, some of them are no bigger than half this room [= the interrogation room at the police station] [95 words]

F-315 Mm.

E-316 They were locked up in such a dark room, and were given better food than the others, some more food. Then they let the child grow inside the girls then. Then it was different, sometimes they let the child be born and then killed the child, but mostly the girl did not manage that. So they killed the child and then the girl and cut out the foetus from the girl and killed the foetus and ate the foetus. Sometimes they had the girl, sometimes they didn't kill the girl before they took out the foetus. Instead they kept the girl alive while they cut out the foetus… and had her bleed until she died. [102 words]
[Q-23:2]

It could hardly be more flagrant that the murder lines contain significantly more details than the sexual lines. And the reason is not just that they are longer. We could cut down the murder line to 209 words, but whatever sample of words would remain, they would still be significantly more detailed than the sexual lines.

In Table 24:1 I supplied other quantitative figures: (a) the total number of words spoken by Elvira in many police interrogations; (b) the number of words in her five longest lines; and (c) the sum of words in these five lines. Even simple inspection will reveal the large increment beginning on 1992-11-22, which was the first time Elvira mentioned the ritual child murders.

Table 2

Number of Words in Police Interrogations Concerned With Sexual Abuse and Ritual Murder, Respectively

The grey field indicates the first interrogation in which Elvira talks about child murders.

Date of police interrogation	Number of words spoken by Elvira	Number of words in the five longest statements	Grand total of the five longest statements
920428	4901	80 – 64 –58 – 56 – 55	313
920504	4732	82 – 79 –79 – 73 – 68	381
920604	5106	***209*** – 204 –124 – 113 – 98	746
920609	3912	206 – 181 –111 – 86 – 73	657
920824	3148	80 – 67 –65 – 62 – 54	328
920914	1134	168 – 66 –55 – 43 – 34	366
921002	3494	81 – 71 –68 – 63 – 49	332
921122	10908	201 – 167 –157 – 151 – 132	808
921126	9002	109 – 90 –89 – 79 – 70	437
921128	6370	128 – 108 –96 – 91 – 88	511
921203	4208	59 – 57 –53 – 49 – 46	264
921216	4431	***805*** – 403 –261 – 188 – 166	1823
921222	3718	144 – 73 –58 – 44 – 43	362
930114	7311	116 – 114 –108 – 76 – 64	478
930122	8335	432 – 248 –246 – 241 – 197	1364
930125	6896	405 – 134 –133 – 121 – 100	893
930203	3220	224 – 147 –77 – 61 – 58	567
930208	3774	210 – 156 –148 – 125 – 113	752
930212	7101	84 – 81 –77 – 67 – 65	374
930311	6141	378 – 145 –135 – 115 – 106	879
930319	4287	190 – 159 –82 – 76 – 71	578
930513	4368	390 – 216 –156 – 110 – 84	956

I shall without any qualification admit that it would be more informative to compare the number of details than the number of words. But any division of an account into details cannot avoid some subjective assessments.

Nevertheless, I will take a few steps along this road, beginning with Mollbeck's narrative of the consolation assault.

She was interrogated by the police on 1992-04-29, that is to say one day after Elvira. On 1992-05-05 the police called her and read out the transcribed interrogation to her. During this telephone call Mollbeck provided much new information. On the preceding evening Elvira had allegedly told her about the consolation assault, and Mollbeck described it as displayed in Table 3.

Table 3
Mollbeck's account of the consolation assault on 1992-05-05.
[MS is responsible for the division into and number of items, and likewise for bold print]

01 Mollbeck recounts according to her memory,
02 assisted by those annotations she had made about what Elvira had told.
03 After the first police interrogation Mollbeck wrote down most of what had
04 turned up in Elvira's mind.
05 Elvira says that she has **a clear image** of an event
06 and she **believes that this was the last assault**.
07 This event occurred in **spring 1991**,
08 probably **in April**.
09 It was probably have been a Friday night,
10 Elvira thinks that she did not have to go up early **the following morrow**.
11 The father, Ingrid and Elvira were alone at home.
12 The mother had not yet returned after attending **a course in Dalarna** [= a county in Sweden].
13 The mother attended this course during **spring 1991**.
14 The father was **depressed** and was **missing the mother.**
15 Elvira feels that something is about to happen.
16 **The sun was shining.**
17 After Elvira had lied down on her bed, **the father comes in directly from watching television.**
18 Elvira talks about **the light from the hall that comes in from the hall** when the door [to her room] is opened.
19 **The Venetian blinds are pulled down.**
20 **The father bows down over her.**
21 **He asks if she is awake.**
22 The father **lays down behind her in the bed.**
23 **At first he strokes her.**
24 **Stroking gradually turns into fondling.**
25 **Elvira kicks him** in order to show that he should stop it.
26 She tries to move away from him.
27 The father **catches firm hold of her arms** and becomes gradually more brutal.
28 [The father] **says something like: "I don't give a damn about that, I need you, don't move, this is what I shall do. If you move it will hurt you more."**
29 The father had entered her from behind.
30 **He bit her ear.**
31 Elvira also perceived him as **immensely threatening**,
32 and he **might have said something about killing.**
33 Elvira was **very tired the morning after this event,**
34 and the father asked if she would like to **have some porridge**.
35 Mollbeck had never before seen Elvira **so upset**.
36 **Tears were flowing,**
37 **her chin trembled,**
38 and it was impossible to calm her down.
39 Mollbeck got the impression that the father at this occasion was **more threatening and scaring than on any previous occasion.**

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It could clearly be debated if the number of information items is exactly 39. Also, if I compared the number of details in two sets of narratives, a reader could not be certain whether the difference derived from the narratives or from the author (=MS).

Nevertheless, Table 24:2 can be used for other purposes. No matter how we divide the narrative, it is very detailed. But Q-23:1 is the most exhaustive description Elvira has ever given of the consolation assault. The reader can easily compare the table and the quoted dialogue excerpt, and note how many items in Mollbeck's account that are missing in Elvira's own account.

There are further problems. Elvira visited her incest therapist on 1992-05-07, and that she was interrogated by the police on 1992-05-08. On neither of these two occasions did she have any recollection of what she allegedly had told Mollbeck a few days earlier.

We should also note that Mollbeck on 1992-04-29 stated that most of what Elvira had told her about sexual abuse, she had recounted during the last three weeks – while Elvira on the preceding day (1992-04-28) had no recollections at all, but was sure that no assault had occurred during the last 5½ years.

Chapter 24
Elvira and the Snow White Syndrome

Chapter 22 was devoted to psychiatrist Kåreland's proof that Elvira suffered from post-traumatic stress disorder. In the same wave Kåreland's psychological assistant attributed *"the Snow White syndrome"* to her. She went on to say that it is mainly characterised by *"escape into fantasy as a defence. In other words, she* [=Elvira] *uses her fantasy to escape from a difficult reality, with the consequence that she denies reality"*. – The assistant was unaware of the crucial distinction whether a person had *escaped* into fantasy, or was *chased* into fantasy. In addition, the assistant she did not at all define the syndrome, nor did she invoke any supporting publications.

But I have unearthed her source, *Beyond the Myths. Mother-Daughter Relationships in Psychology, History, Literature and Everyday Life* by Shelley Phillips (1991). Phillips's speculations are based on the psychoanalytic speculations of Bruno Bettelheim (1976) in *The Uses of Enchantement. The Meaning and Importance of Fairy Tales.*

Phillips's book does include a chapter with the heading "The Snow White Syndrome". But this chapter is not concerned with a syndrome that some and only some females may suffer from. Instead, Phillips is concerned with a psychological stage that all females supposedly undergo.

In the fairy tale the queen pricks her finger while sewing, and three drops of blood fall into the white snow. White is a symbol of innocence. Red blood is a symbol of sexual desire and of sexual bleeding (viz. at the first coitus and at menstruation). Therefore the fairy tale is concerned with the Oedipal struggle between the mother and the daughter (e.g., Elvira and Helena) about who is most beautiful. The queen orders the hunter (= the father) to take the daughter into the wood and kill her. But the hunter/father finds a compromise between the wishes of both females. He takes the daughter to the wood, but does not kill her.

The queen had ordered him to bring back Snow White's heart and liver, which the queen would then eat in the hope of thereby acquiring Snow White's beauty. But instead the hunter brings the corresponding body parts of an animal.

Because of the Oedipal conflict, life in the family will be dreadful. As a consequence, the child will dream of having other parents with whom there would be no conflict. Some children even run ways from home in search of an ideal family – exactly in the way that Elvira had run away to the Mollbeck family.

I do not think that I am under the obligation to refute such odd speculations.

Chapter 25
Aiming at a Conviction at All Costs

In some countries (inter alia Sweden) the law prescribes that the police and the prosecutor must be objective, and that they must gather circumstances that support the charge as well as circumstances that tell against the charge. But I do not know of any country where such legislation is taken serious.

In the case of Elvira it is blatant that the police (led by the prosecutor) showed no interest in unearthing whether or not Oswald was guilty. Their aim was to obtain a legal conviction at all costs.

The police and the prosecutor knew that Elvira had no recollections of sexual assaults at the time of the first police interrogation. They knew that she had had no such recollections during the three months preceding this interrogation. They knew that in the first four interrogations there was no trace of any of the crimes for which the father was soon afterwards convicted.

They may not have detected that, with one single exception, Elvira postulated the presence of eyewitnesses at *all* those assaults for which she had recounted more than a minimum of details. But it is impossible that the police and the prosecutor had not noticed the considerable number of eyewitness events. And they knew that all "eyewitnesses" denied that they had seen any indecent behaviour.

It is an objective and general fact that in cases of sexual abuse it is conspicuously infrequent that one or more eyewitnesses are alleged.

One of the most touching parts of the dialogues is the fragment quoted in chapter 12. Elvira begs for some degree of support, so that she dares tell the truth, viz. that the sexual assaults never happened and that she was the victim of intensive indoctrination. But the police officer immediately applies several persuasive techniques aimed at forcing Elvira to keep quiet about these things. She strongly asserts that Elvira's accounts are really Elvira's memories; that Elvira is wrong when she thinks they are not memories; and that Elvira should just leave out of account the problem whether the accounts are real or fictive. Moreover, she successfully distracts Elvira by requesting further memories from her. And the police officer succeeds.

Underwager & Wakefield (1990:5) very aptly say: *"In a curious turnabout, those who claim most strongly that children must be believed, don't believe the child when the child says no abuse occurred."* (my italics).

In chapter 14 Elvira says that what she had told Mollbeck was not correct. She explicitly asks the police officer if she is prepared to receive information that is not correct. Here was a golden opportunity to inquire about a significant part of the context. Who decided that Elvira's account was not correct? *On what grounds* did she decide this? *In what respects* is the information that Elvira provides during the police interrogation incorrect? And *what other information* is correct instead?

I am unable to imagine that the need for answering such questions did not spontaneously occur to any police interrogator. The particular officer seems to be aware that the case will collapse, unless she conceals the true facts. A strong case could be made for the hypothesis that the police and the prosecutor were aware of Oswald's innocence, at the same time as they produced fake evidence and concealed true evidence.

Likewise, Elvira's tendency to promise future recollections that she did not recall at the time of her promise, must have been a valid indicator for the police and the prosecutor.

Elvira later mentioned telephone calls in which she heard children scream in exactly the same way as they do when they are being murdered (by her father and others who belong to the same murder sect). The police began to bug her telephone. Unfortunately they told her what they did. And then she immediately stopped mentioning any further telephone calls.

I cannot help feeling that correct police work would have included intercepting the telephone without informing Elvira. It is no far-fetched hypothesis that the police have realised that Elvira would then have proceeded to recount the same kind of telephone calls. The police may also have realised that such a pattern would be embarrassing, should a competent defence counsel find out about it.

An additional stratagem applied by the police and the prosecutor was to keep Ingrid away from the case. Both realised that there was a risk that the trial would not end in a conviction, if Ingrid were permitted to tell the court that she had neither been exposed to nor observed any indecent behaviour by anyone.

It goes without saying that the entire body of evidence contained many constituents which strongly pointed against the accusations. It was evident that Elvira had not told the truth in any of those respects that had been examined. How then, could the conviction of Oswald and Helena be justified by the argument that Elvira was completely trustworthy concerning those few accusations whose truth-value had not been investigated?

In numerous countries many psychiatrists are prepared to provide the kind of evidence needed by the prosecutor. We have seen that Sweden is one of these countries and that Kåreland is one of these psychiatrists. Also here the temporal relation of recency should have been noted. The five judges of the court of appeal had never in any previous case observed another injured party who, because of real sexual assaults, had claimed to have been exposed to other assaults that proved to be imaginary.

On the contrary, it is a recurrent standard phrase in many written judgements, that the injured party had been very careful not to accuse the defendant of more than she was absolutely sure that he had done; and that exactly this cautiousness constitutes a strong reason to conclude that the injured party had told the truth.

The case of Betsy will be presented in chapter 27. In the judgement by the district court (1989-10-27) we shall read:

> "She has, when she made her account, **shown considerable caution** and has evidently **taken great pains to supply only such information that she could hold on to what she said**." (bolds by MS)
> [Q-25:1]

And from precisely this [alleged] modesty the judges of the district court concluded that Betsy had told the truth.

Persuasive techniques are often given the form of factual or logical arguments. Some of these are highly relevant to the Södertälje case. Gumpert (2002:46) claims that **even if a child has been indoctrinated to produce an allegation of sexual abuse, this fact does not prove that the child had not been sexually abused**.

This claim could at most be true in the same way as an analogous sophism. Today the next future winner of the highest price of the Bellman Lottery is unknown. But if we today decide to convict him of sexual abuse, we cannot be absolutely sure that we had convicted an innocent person.

In the Södertälje case it was not merely proved that Elvira had been indoctrinated by Mollbeck. It was also proved in many independent ways that she had no authentic recollections. Moreover, we were able to observe at close hand how her sham recollections gradually evolved.

In her attempts to disqualify objective experts Gumpert adds a further sophism. Such experts are said to be one-sided and to adhere to a **mono-causal aetiology**: *either* an allegation is caused by indoctrination, *or else* it is caused by authentic recollections. The believers in the mono-causal doctrine are said to have overlooked the significant *alternative hypothesis* that the allegation might derive from *both* causal factors.

It should come as no surprise that Gumpert is completely tacit when it comes to the problem of how judges and experts (including herself) would manage to discover that indoctrinated narratives are nevertheless authentic.

It goes without saying that her argument strongly favours the prosecutor and hinders the defence counsel. In so far it is perfectly consistent with another suggestions of hers, viz. that the defence should not even be permitted to engage an expert witness.

Chapter 26
The Secret Co-Operation Groups in Sweden

Before I go on to discuss further aspects of appropriate analytic methodology, I will present a number of other cases. Only one principle of selection has been applied: it should be possible to describe the essential structure of these cases in a limited number of words.

Before these cases are described, the Swedish phenomenon of "samrådsgrupper", i.e. consulting committees, needs to be explained. The official aim is for a group consisting of various professionals such as the prosecutor, police officers, social workers, general practitioners, paediatricians, gynaecologists, psychiatrists, psychologists, child psychotherapists, school psychologists, school welfare officers, school nurses etc. to discuss doubtful cases of sexual abuse, and to determine whether abuse has occurred or not. Presumably it is also a help for the innocent but suspected family never to have known that it was examined.

No notes are ever taken, nor is there any record of who participated in the decision-making process. In some areas certain group members attend once a week. In other areas the meetings are not held on a regular basis, and it may be a more or less random phenomenon which persons were present at a certain meeting.

No one knows who pays the people who attend. Neither does anyone know under what authority the co-operation groups belong – and hence, to whom complaints should be addressed if they make wrong decisions.

A case may be idling for a whole year until a decision is made. The decision may not only be that a case should be reported to the police, but also what person (not necessarily some of the ones present) should make the report.

But after a year of sham-anonymous discussion no one may recall who said what. The mother may believe that this or that was first said by the psychologist. 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.

While the case is idling in the co-operation group, preschool children or teenagers may undergo so-called psychotherapy in close collaboration with a relative (most often the mother). And both may try to indoctrinate sham-recollections of sexual abuse.

Chapter 27
The Alibi Case

Betsy, injured party, b. 1973, biological daughter of the defendant.
The district court, 1989-10-27, convicted, unanimous.
The court of appeal, 1988-12-22, convicted by the least possible majority, the votes 3-2.
The Supreme Court rejected the appeal on 1990-01-31, and also two new trail motions on 1991-03-20 and on 1991-10-09, respectively. But in relation to the second motion the judge referee proposed that the convict should be released immediately, that is to say, even before the national prosecutor had had presented his counter arguments. Such a decision by the Supreme Court would be a clear signal to the court of appeal to acquit the defendant.

In 1984, 11-year-old Betsy experienced a series of personal losses, which constituted the ground for her depressive personality. Still at the age of 15 she would burst into crying if the teacher turned to her in a friendly way and said: ”How are things here?” The school nurse got the idea that her depression was caused by sexual abuse. On 1988-09-09 she took the girl to the social services. This date was the first time Betsy learned about the suspicions. During the subsequent seven weeks she was exposed to constant pressure from the school nurse, the school welfare officer and a social worker who was not employed at her school. From the case-notes of the social services it is apparent that she gradually submitted to the pressure.

On 1988-11-01 she was taken to a psychiatrist. A social worker had informed the psychiatrist in advance about the reason for the visit, and she was present during the meeting. This date was the first time Betsy admitted not only to attempted abuse but to actual abuse. The court of appeal later attributed great evidential power to “the fact” that Betsy had told the psychiatrist about the abuse already during their first contact, despite “the fact” that he “knew nothing” in advance about the reason for the meeting. [As regards this evidence the doctor supplied false information during his testimony in court, and the court of appeal did not try to check his information.]

The psychiatrist testified that the girl had told the truth. He claimed that he had questioned her in such a way that he directly could check whether she told the truth. He supplied a concrete example of such questioning including inherent checking: He had asked Betsy if she had made a false report because she was jealous of her father’s new girlfriend. And to this question Betsy had answered “no”.

Betsy’s final version was that her father had raped her 6 to 8 times. The first act of rape had occurred (a) in 1984, (b) when she was 11 years old, and (c) during the first weekend after her mother had left the family. [The true fact is that

her mother left the family on 1986-02-28, that is to say three weeks after Betsy's 13th birthday.]

The last rape occurred in the evening. The following day Betsy went to school. When she came home afterwards she was so depressed that she tried to take her own life.

This strong temporal connection with the suicide attempt allows for an almost exact dating of the last assault. During the meeting at the social services on 1988-09-09 Betsy had neither a scar on her wrist, nor a bandage. On 1988-09-09 the school nurse changed the bandage for the first time.

One crucial piece of information is, however, that September 9 was a Friday. As a consequence Betsy's account is compatible with two and only two patterns. Either she went to school on Saturday and tried to take her life on Saturday afternoon after coming home from school. Or else she went to school on Sunday and tried to take her life on Sunday afternoon after coming home from school. And both patterns are incompatible with the obvious fact that no children went to school on Saturdays or Sundays in Sweden in 1988.

Furthermore, Betsy had moved to a foster family on September 8, where she shared a room with the daughter of the family. The reason for the move was altogether neutral, and the father had completely agreed to this arrangement. The foster family and the priest who had recently confirmed Betsy, have mapped out everything she did during this weekend. It is definitely proved that she did not meet her father at all. – In view of the close temporal connection with the suicide attempt we can rule out the hypothesis that she merely mistook the date of the last assault.

According to Betsy's testimony in courts she had described the assaults in her diary. After she moved to the foster family her father must have found and destroyed these diaries. This was what she said when questioned by the prosecutor. Thereby both Betsy and the prosecutor knew that she had left all her diaries to the prosecutor, who had carefully locked them into his safe – because it was very important to conceal their content from the defence.

The foster family swears (a) that Betsy's diaries coincided with the calendar years; (b) that when she came to the foster family she brought with her a handful of diaries; (c) that a large part of the diary for 1988 was filled with notes, but a large part was empty; (d) that Betsy wrote often and much in her diary during the months she lived with the foster family; (e) that her foster mother bought her a new diary for the calendar year 1989, which she received as a Christmas present.

In turn Betsy maintained that she after each rape had written a letter to herself about what happened. Two letters were presented as evidence, and Betsy's first story was that they were the original documents. The first one is dated 1984-04-06, and the second "May-86". The first letter starts: "When *Elin* was eleven years old the most terrible thing happened *for the first time*." In the very same letter it is stated that the second intercourse occurred a few months later. In the letter of May-86 we read: "This is the third time now he has taken me."

"Elin" is supposed to be a pseudonym used by Betsy in order to conceal [!] from the father [!?] what events the letter referred to.

The date, the year and the age do not agree with the claim which Betsy had *always stuck to*, viz. that the first rape started *directly after* the mother had left the family.

When it was pointed out that the hand writing of the letters did not agree with the one found in Betsy's school books of 1984 and 1986, she changed her accounts: the letters presented to the court were copies she had written later. She had not taken the original documents with her to the foster family. Her father must have found and destroyed the original letters.

When it was pointed out that the letter version of the first rape did not at all agree with Betsy's account of the first assault at the police interrogation, she said that the letter version was an account of the second assault. When it was pointed out that the letter agreed no better with the account of the second assault recounted to the police, Betsy asserted that the Elin letter was a paraphrase in which different details were borrowed from different assaults.

Sound reasoning makes Betsy's explanations perplexing. If Betsy had described a real assault exactly the way it happened, how could the perpetrator be deceived because she had substituted her own name with a pseudonym? – And isn't it surprising if Betsy, when she described the second assault, wrote that the most terrible thing happened "for the first time"?

The interrogation in the district court consists of a heap of contradictions. But neither the district court nor the court of appeal noticed the contradictions. Nor did they notice the fact that the father had an unassailable alibi. The district court writes in its judgement: "She has, when she made her account, shown considerable caution and has evidently taken great pains to supply only such information that she could hold on to what she said." In the judgement of the court of appeal it is stated that Betsy "has been interrogated many times in this case, and has during these occasions delivered basically the same information. Her account bears the stamp of authentic experiences, and she has also communicated the personal impression of being truthful."

[In chapter 25 we noted psychiatrist Kåreland's claim that it is a recurrent phenomenon that real victims of sexual abuse will fabricate many more assaults than they had really experienced. More important than the psychiatrist's claim (a deliberate fabrication aimed at strengthening the prosecutor's side) is the judges' proneness to justify convictions by opposite and contradictory arguments, as if the justificatory reasons were mere pretexts.]

The Supreme Court has rejected two new trial motions that include, among other things, the above facts. According to The Supreme Court the lower courts would probably have convicted the father even if they had been aware of these facts.

Chapter 28
The Semi-Psychotic Girl with Diabetes

Erna, injured party, b. 1974. The defendant was married to Erna's childminder.
The district court, 1992-09-04, convicted, unanimous
The court of appeal, 1993-11-15, acquitted with the votes 4-1

Erna got diabetes when she was 4½ years old. Eventually she became the most extreme case in the whole county where she lived. Therefore she was never allowed to be alone or unsupervised. Her mother had shift work. It was very difficult to find a minder for a child needing that amount of care and supervision. She was finally accepted by Dagmar, who was also diabetic. Dagmar also provided day care for other children. Erna's and Dagmar's families had been friends for many years, both before and after Dagmar began looking after Erna. She did so for a period of 33 months, from autumn 1984, when Erna was 10 years old, until 1987-06-12, when she was 13. After this period she was not in day care.

The fact that the 9 years of compulsory schooling in Sweden are divided into 3 levels (low, intermediate and high) of 3 years respectively, will prove to be important. Erna started her final three years in autumn 1987.

In her late teens Erna was in the habit of inventing accusations that were difficult to disprove. In a treatment centre and at one hospital the principal and the chief physician, respectively, had issued strict orders to the staff that no one must ever be alone with her. And no one among the staff of the treatment centre dared give her a hug or a pat on the shoulder because of the risk that she might accuse or report them for sexual harassment.

Nevertheless, when she in the autumn of 1990 accused a non-identified man of sexual abuse, the head of the diabetes clinic reported this to the police. During autumn 1990 he had expressed severe doubts concerning her trustworthiness in his case-notes. In the court of appeal, however, he testified that she was trustworthy to a very high degree.

At the age of 17 Erna told a social worker that she had been abused when she was 14 or 15, and she told the police that the abuse had taken place during her final three years at school. Both statements clearly indicate that Dagmar was no longer the minder.

It was a highly aggressive police officer who introduced the idea that *additional* assaults might have occurred at the intermediate school level. The serious deterioration of the girl's mental health coincided with the period of the police interrogations.

The series of police interrogations resulted in Erna accusing Dagmar's husband Dag. He had, allegedly, performed some 300 acts of coitus. Erna claimed that some 80-90 % of these were performed on weekly days in his bedroom between 1 and 3 o'clock.

The district court ruled that: “It seems completely apparent to the district court that he [=Dag] during this period of time has been alone together with Erna at his home. Furthermore, it has been made clear that Dag on many occasions has been alone together with Erna in her and her mother’s apartment. […] Consequently, Dag has had the opportunity to be alone with Erna in the way she has told without the risk of being interrupted by any other person.”

The final part of the quotation above to the following pattern. Following a fire in Erna’s and her mother’s apartment they lived for 4½ months at the home of the mother’s boyfriend. According to the latter’s own testimony he had been away from his apartment about 3-4 times a week when he attended various committee meetings.

Since day care was paid for by the municipality, the exact hours when Erna was at this address were documented. Note that what is documented are the maximum hours. Occasionally Erna might have followed a schoolmate to her home, even though time had been reserved for her at Dagmar’s.

In another register every day when Dag was absent from his work was documented, regardless of whether he was ill or whether he was away for any other reason. Furthermore, all Erna’s school timetables for the three years in question were collected.

When all this information is combined, it becomes clear that Dag and Erna had the physical opportunity of being together in Dag’s apartment on weekdays at any time between 12 noon and 16:30 for a total of four (4) days over the three years in question. Note that the district court did not discover that the defendant had a foolproof alibi.

What about the alone-together-postulation as regards the apartment of Erna’s mother’s boyfriend? Exact information about the date of every committee meeting in which he had participated was obtained from the relevant organisations, including at what time each meeting had finished. First, it has been proved that no more than three of the meetings coincided with occasions when Erna was late home from school. Second, none of these meetings finished later than 20:15. Third, Erna never left Dagmar’s home before 21.00. The reason was for this was that it was Dagmar’s responsibility that Erna took her night dose of insulin, and that she did so at 21.00. Her doctors knew that they could not trust the girl to do it herself (the prosecutor tried to conceal this piece of information).

Because of Erna’s illness someone (either Dagmar or Dag) had to follow her home, and to stay with her until someone else came home. However, the mother and her boyfriend agree that it never happened that Dag remained in the apartment for several hours on those days when the boyfriend was working until 2 o’clock in the morning.

The district court stated in their judgement that the nature of Erna’s account “very strongly tells in favour of her having experienced the things she had recounted”, and that those circumstances that are vague or obscure “provide no reason for reducing the confidence in the truth of her account”.

Moreover, the court found no motive as to why Erna would lie. – This is an absurd argument, because neither the court nor anyone else [until the defendant

shifted to another defence counsel] had searched for any such circumstances. Instead, all the authorities involved had been unusually active in concealing Erna's motive – which was both flagrant and well-known to the authorities.

They were perfectly aware of the fact that Erna was semi-psychotic. The real view of three professional, viz. the head physician who treated her diabetes, a psychiatrist, and her psychotherapist, was that her mental state belonged to the borderland between neurosis and psychosis. She herself had told that she went back and forth between the physical world and an immaterial world populated by creatures that have concrete names. These creatures govern her fate, and she must necessarily obey their commands. They all love her. But they will punish her because she had told her psychotherapist about them.

At the hospital she simulated a broken foot for several weeks. She used crutches for walking around, although the x-ray examination showed no injury. But on one occasion when she had gone out on the town a nurse happened to see her, and there she was walking in a perfectly normal way.

For some time she imitated another young patient who suffered from anorexia, but in the end she was not able to keep it up.

At the hospital she was twice in close contact with two girls who had been exposed to sexual abuse. She also imitated their experiences. If no attempts had been made to consolidate her own "abuse experiences", these might have been as short-lived as her anorexia.

This case ended with a correct verdict, but *only with a very narrow margin.* And the acquittal was achieved only because the defence counsel and the defence experts devoted a gigantic amount of time and effort to the task of disproving the seriously distorted facts of those experts who either openly or secretly supported the prosecutor. Neither the district court nor the court of appeal managed to make an adequate assessment of the pseudo-facts advanced by the prosecution.

Puzzling together all the relevant temporal information in the case of the semi-psychotic girl with diabetes (Erna) would today be an easy task. However, in 1993 computers were not yet sufficiently developed. Nor had I learned the necessary skills. Hence, a large job of comparing all temporal relations and other evidence had to be performed primarily by hand. We can be sure that extremely few judges (if any at all) would have devoted the same amount of time and effort to the analysis of evidence.

The judges of the district court cannot have been eager to avoid false convictions. Without making any attempt at checking the facts they stated that it was "completely apparent" that the defendant had had ample opportunity to abuse Erna without the risk of being interrupted.

Although the defendant was acquitted by the court of appeal, the chairman was furious, because the defence had provided such a large amount of unusually strong evidence that he did not dare convict the defendant. During the proceedings he incessantly heaped invectives at the defence counsel and the main defence expert (MS).

In trials involving sexual abuse of children it is a common phenomenon that people will *subsequently* "recall" events which they never perceived when they

happened. – Because of her diabetes Erna could never be left alone. When her mother worked in the evening, her minder or the latter’s husband would follow Erna home and stay until her mother arrived.

Now, in the court of appeal Erna’s mother testified that one night when her daughter was 12 she came home from work just as 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 her daughter might bleed to death. But she did not uncover the cover, because if she did, Erna's heart would have collapsed and she would have died instantly. This event was etched into her memory. After the orgasm event she made arrangements so that Erna would never again be followed home by any member of her minder’s family in the evenings.

The defence counsel asked why she had not told this event during any of the police interrogations. And why had she not reported it to the police when it happened? Why did she permit her daughter to stay with this family for at least another eight months?

The computer printout provided by the municipality clearly disproves the mother’s new arrangement. Besides, Erna did not have her own room when she was 12. Because of her diabetes she had to sleep in her mother's room so that she could be supervised.

In agreement with the pattern described previously and encountered in many cases in many countries, no one bothered about finding or punishing the person who had allegedly abused Erna when she was 14 or 15.

Chapter 29
The Fortune Teller Case

Malvina, injured party, b. 1976, step daughter
The district court, 1994-07-29, convicted by 3 votes against 1
The court of appeal, 1995-04-13, acquitted by the least possible majority, 3-2.
In both courts every lay judge found the defendant guilty and every judicial judge found him not guilty.

Malvina's family originally consisted of herself, her brother (b. in 1974), her biological mother and her stepfather as well as the three biological daughters of these two parents. The young daughters were born in 1983 and 1987, and one of them suffered from a heart disease. The mother left the family in November 1990. Half a year later the son also moved away.

The stepfather took care of the household. He supported Malvina and was the only firm point in her confused existence. In spring 1991 he arranged a kind of semi-therapeutic regular meetings with a social worker because of her anxiety. While Malvina was still living with her family she sometimes visited her mother. These visits would often lead to very aggressive quarrelling, and Malvina would telephone her stepfather and ask him to fetch her immediately in his car. He always did so.

Eventually Malvina came to have permanent problems with other people, inter alia with her siblings. She did not respect times and did not clean up when it was needed. Her irregular behaviour constituted a significant risk for the child suffering from heart disease. Her stepfather told her that she must either improve her behaviour, or move to her mother, or try to get a place of her own to live in. Malvina's real psychic chaos started after this conversation. She said to the social worker that she had been thrown out of her home.

In March 1992 she moved to her biological father. This did not turn out well. In summer 1992 she moved to her mother. This did not work either: her mother literally threw her out on 1992-11-27. The social services formally took her into care and placed her in her boyfriend's family. Once a week she would also have the support of and semi-therapy by a social worker.

The foster family agrees that Malvina was resolute, courageous and self-confident. The boyfriend's parents did not intrude into the sexual life of the two teenagers. But they both had to do their homework for school. Consequently, the parents never accepted Malvina's persistent demand that the couple should share a room. The boyfriend observed that the relationship between Malvina and her stepfather was decidedly positive. Unfortunately, Malvina now based her entire life around her boyfriend. In the end he was exhausted and did not manage to continue his relationship with her.

According to the affidavit by the social worker Malvina had told her about sexual abuse in *January 1993*. This was a retrospective construction she made in

April without support of any case-notes. During the cross examination in the district court she herself realised that this information was wrong. But the judge immediately stopped the interrogation when facts that were not in agreement with the affidavit emerged.

The first embryo of the allegation started in *February 1993*. The school was going to show a movie of sexual enlightening. Malvina got upset and asked not to see it. She talked with the school nurse, who referred her to the child and adolescent psychiatric clinic.

It was this clinic, not Malvina herself, who informed the social worker about the abuse allegation. This information was passed on after the sequence of events that started in February in conjunction with the film.

As a result, the aim of the semi-therapeutic sessions immediately shifted their topic. While the objective until then had been to support Malvina against her mother's strange reactions, their aim was henceforth to help her against her stepfather.

It can be seen from the facts outlined above, that the following part of Malvina's account is also a retrospective construction. Malvina experiences her first sexual intercourse during *summer 1991*. It was a disappointing experience because she could not indulge in the act. Shortly afterwards she came home. Her stepfather was standing at the kitchen table, cooking dinner for the entire family. He said hello and she said hello. And then she *understood* that he had abused her, and that this was the cause why she had not had an orgasm. It was also the cause why she had always [even *before* the alleged assault] been afraid of darkness and of thunder. She had no *recollections* of abuse, and she has never said that any abuse actually had occurred. She has merely stated that *images of abuse came to her mind*.

She told her mother about her images. According to the mother's testimony in the district court she contacted the fortune teller Saida, whom she had seen on television. Saida said: "Yes, your man has done something to her, but not sexual intercourse." In order to check whether Saida was trustworthy, the mother asked four control questions, and Saida could correctly tell the mother's height, her weight, her hair colour, and her eye colour.

In a Swedish judgement the court must describe the evidence presented by both parties. However, in the judgement of this case no trace can be found of this telling evidence of the mother's highly-strung personality.

An affidavit was also handed to the court by a psychiatrist and head physician at the child and adolescent psychiatric clinic. He was Malvina's second therapist. In his affidavit he guaranteed that Malvina had told the truth; that the sexual assaults had caused difficulties in her relationship with boys, and had also caused self-contempt and emotional isolation etc.

But during cross-examination (which was sabotaged by the main judge to a rather great extent) he twice made a magnificent U-turn. First he admitted that he had not performed any investigation as to whether Malvina had been abused, or whether she suffered for the above listed deficiencies. He said that in his affidavit he had done *nothing at all* except repeating what Malvina herself had said.

But he also testified that lifted repression associated with recovered memories is an established fact. It is something that all psychiatrists agree about on. He himself and his colleagues regularly observed such phenomena.

Then the defence counsel threatened to report him to the police for perjury. The judge immediately stopped the cross-examination.

Nevertheless the psychiatrist made his second U-turn and now testified that the writings on this topic may well comprise a kilometre in a bookshelf; but as yet no one has proved that repression exists at all.

This U-turn in the middle of a testimony under oath is also concealed in the judgement by the district court.

Malvina has described a total of one assault with a minimum of details. During an event of violent thunder and lightening in the autumn when she was 12 years old and her mother was away, the stepfather gathered the entire family in the parents' bedroom. [At that time all the children's age must have been 1-1-3-12-14.] When the storm had subsided, the 14-year-old brother went to his room while Malvina slept in her mother's bed. Later in the night she felt a finger in her vagina.

A number of times she had fallen asleep while watching television. Her stepfather had carried her to her bed. Allegedly he had on two such occasions kissed her on the mouth and touched her breast. Once again, Malvina had *no recollections* of these events, only *images*.

Her account is also strange or impossible for other reasons. The house is situated at a dangerous location, and the risk of being hit by lightening is considerable. The entire family had repeatedly been sitting in the car when there was a thunder storm. And because of the electrical installation, the parents' bedroom is the most dangerous place in the house. The family can only have gathered in the living-room.

There is a meteorological station near the house. It could be unambiguously established that over a period of 5 months (the maximal period compatible with the temporal information supplied by Malvina), there was only one thunder storm at that location, and it was very mild.

Eventually Malvina becomes doubtful whether the "images" started to appear in 1986, 1987 or 1988, but she did not think at her three very young sisters. (This is strange, considering the active behaviour of the family brought on by the storm.) In the judgement of the district court this is expressed in the following mild and non-informative words: "From her image it is not clear where her three half-siblings were."

When Malvina recounts events that have no basis in reality, she will repeatedly recount a mixture of memories and "images".

In relation to the version provided in the police interrogations Malvina had further elaborated her account in the district court. But it should be noted that only irrelevant aspects had been further elaborated. She suspected that her stepfather had also abused his two youngest daughters, *because* he buys presents for them and they like him. She was also convinced that he had *repressed* what he had done to her.

The most important statement in the entire police investigation is taken from the interrogation on 1993-05-08, and it must be quoted in toto:

> "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."

The chairman and only judicial judge at the district court voted for acquittal. Nevertheless, he had the main responsibility for the conviction, because he forbade the defence to present any real evidence. Seven (7) very important witnesses were not permitted to testify. They could have established that Malvina had lied. They could also have explained why she had done so. And her class teacher during her 7^{th} to 9^{th} year at school could have reported that she had often invented stories and over-reacted. The boyfriend mentioned above and a female friend could have shown that she had no problems in relation to boys, nor did she suffer from self-contempt or from emotional or social isolation.

The judge stopped the cross examination of the social worker and the psychiatrist when the content of their affidavits were about to be proven to be false. And the defence was not permitted to present an expert witness who could have testified (a) that repression is scientific fraud; the phenomenon does not exist at all; (b) even according to the pseudo-scientific theory maintained by the prosecutor and his allies, repression does not at all function in the way exemplified by Malvina. Repression is not lifted because of intercourse without orgasm, or by similar experiences.

The concept of *impermissible evidence* is unworthy any nation who wants to be considered a democracy. And it is the single most important cause of false convictions. In this trial all essential and truly informative evidence was forbidden (the prosecutor presented no non-trivial evidence at all). In turn the stepfather was convicted by the district court (although the verdict was reversed by the court of appeal), and this verdict was justified by the standard phrase that Malvina's account bore the stamp of being self-experienced events.

Chapter 30
The Morphological Case

Inga-Lisa, injured party, b. 1973, stepdaughter
The district court, 1991-05-29, convicted unanimous
The court of appeal, 1992-06-18 convicted unanimous
The Supreme Court, 1993-02-16, rejection of appeal

The morphological method has two aspects. First, a set of all possible alternatives must be defined. Second, each alternative must be rather well explicated. – It is not a necessary condition that the alternatives must be defined in terms of dichotomies, although this was done in the present case. Three dichotomies will give rise to 16 logical alternatives. Eight of these involve that no crime had been committed, and three further ones are contradictory. What remains are the 5 alternatives listed below.

16-year-old Inga-Lisa went on vacation on 1989-06-19. Her mother and stepfather thought that she would go to her biological father, as had been agreed. Instead she went to her cousin. Her parents think that this cousin had a bad influence on her. When they learned where she had gone, they ordered her to come home immediately. On 1989-06-25 Inga-Lisa reported her stepfather to the police because of sexual abuse. She claimed that the sexual abuse had been going on since she was 7 years old. She also told the police that the abuse had ended on *March 1st* 1989. On 1989-07-23 she permanently moved to her biological father. The first police interrogation took place on 1989-08-29.

During this interrogation she thinks at first that *March 1st* must be a mistaken date. But later she recalls that something else happened on March 1st. Her stepfather had called her friend “Damned moron!” The girls had considered whether to report this to the police, because Inga-Lisa wanted to “hit back”. But she could hit back much more efficiently by another kind of a police report. During the proceedings in the court of appeal she revealed the outrageous hate she felt towards her stepfather. She is definitely not the kind of a girl who will easily submit to anything she does not like to do. In other words, a calendar date that was unambiguously connected with a non-sexual event, was completely transformed into an accusation of sexual abuse and a police report.

The most serious assault was that the stepfather had allegedly licked her genitals on three occasions. – The verb “lick” occurs in 14 statements during the police interrogation. But it should be noted that 13 out of these 14 statements were made by the police officer. In the beginning Inga-Lisa merely complains of her stepfather’s “wet kisses”. The interrogator is the one who transforms this into licking. Not until eleven pages later does she say that he licked her between the legs on a few occasions. This is the only time she herself introduces the word ”lick” into this interrogation. “Licking” is also absent in the original police report. This is

so despite the fact that Inga-Lisa recurrently talks about sexual abuse, viz. about fondling on the outside of her cloths and wet kisses.

She does not know if her stepfather masturbated while he licked, because then it would have been necessary to raise her head and look at what he did. [!] She is asked to describe their position. But she cannot tell anything about the latter, except that she was lying in the bed while her stepfather was semi-reclining on the bed. The interrogator suggests that she should draw the positions. And then she asks for photos as an aid for drawing. [!] In the end she is given dolls. After some trial-and-error she finds – in contradiction to her verbal account – that the stepfather was kneeling on the floor.

She said that at the first licking assault she did not realise what was about to happen when her stepfather pulled off her pants. At the second assault she was equally ignorant, because she had meanwhile forgotten what happened the previous time. But Inga-Lisa also presents quite a different version. On one occasion, and possibly on all three occasions, she wanted something in return for accepting the assault. (Probably she wanted to come home somewhat later.)

A morphological analysis of both versions is informative. Inga-Lisa could have told the truth or not about (a) the licking, (b) her ignorance, and (c) wanting something in return. Besides, the discussion or negotiation about what she was to be offered in return for the assault could have occurred (d) before or after her pants were pulled down. These four dichotomies will yield an exhaustive list of 16 alternatives. Eight of these involve that no crime was committed, and 3 are contradictory. As a result there are 5 and only 5 patterns that are compatible with a correct conviction:

(I) Inga-Lisa told the truth about all four constituents: the licking, her ignorance, the return favour, and the pulling down of her pants. First the return favour was negotiated. Then Inga-Lisa experienced black-out and amnesia, so that she did not understand was why her stepfather pulled down her pants.

(II) Inga-Lisa told the truth about all four constituents. But the first thing that happened was that the stepfather pulled down her pants. However, when he would just about to use his tongue, she stopped him, and then they discussed the return favour.

(III) Inga-Lisa told the truth about the licking, the return favour, and the pulling down of her pants. But she lied about her ignorance.

(IV) Inga-Lisa told the truth about the licking, the ignorance, and the pulling down of her pants. But she lied about the return favour.

(V) Inga-Lisa told the truth about the licking and the pulling down of her pants. But she lied about her ignorance and about the return favour.
[Q-30:1]

Inga-Lisa's temporal information about the end and the frequency of the abuse is markedly contradictory. (a) Perhaps they primarily stopped in autumn 1988, but a few ones happened during spring 1989. (b) They stopped on March 1st, 1989. (c)

They stopped 3-4 weeks before the trip in the summer (which, as stated above, started on June 19th, 1989. (d) They stopped a few days before the trip in the summer. (e) Inga-Lisa is convinced that they would continue if she went home after the trip. (f) Her stepfather performs an assault *each and every night* when he is sleeping at home; he is studying at a university in another town and lives there five days a week.

The last assertion entails a frequency of more than ten assaults a month. If (c), (d) or (f) are true, Inga-Lisa must have suffered from amnesia when she told (a) and (b).

One of her recounts deserves a literal quotation:

> "No, but he had said, let me see, yes, actually he said in April, May, that he would like to see me naked. / And then I understood, because I have been thinking that maybe I have dreamt these things because I hate him so much. / This is what I have been thinking: perhaps I have just imagined all this. But *then the whole thing became certain*, that I knew, that I assumed, well, that it's true."
> [Q-30:2]

The district court appointed the leader of the group of pseudo-witness-psychologists, Egil Ruuth (not a pseudonym), for evaluating the girl's trustworthiness. In his written investigation the same theme of dreaming and subsequently becoming sure, is also found:

> "Inga-Lisa has sometimes thought that she had dreamt that she was exposed to assaults by her stepfather. What made her completely convinced that she had not dreamt, however, was an event that occurred in the spring [1989]. She was in her room reading a book. She recalls the title, ("Thursday Children, part 1"). Then her stepfather said that he would like to see her naked. At precisely that moment one of her schoolmates rang the door bell."
> [Q-30:3]

According to the pseudo-witness-psychologist this "concrete detail" about "an approaching assault interrupted by an external chance event" constitutes strong evidence for the truth of the sexual accusation.

But if 8½ years of recurrent assaults could not convince Inga-Lisa that she had not dreamt the abuse, it is enigmatic that a single statement and a door-bell could produce such a conviction.

It is frightening that the fate of human beings is dependant on judges who are incapable of perceiving that the assessment of this expert is bogus science.

Chapter 31
The Blackmailing Case

Graziella, injured party, b. 1979, adopted daughter
The district court, 1993-11-23, convicted, unanimous
The court of appeal, 1994-02-07, convicted, 4-1
The Supreme Court, not appealed; two new trial motions rejected 1994-11-11 and 1995-06-28.

There is reason to give a more comprehensive account of this case, and also to start with a list of the errors which will be discerned. (a) 14-year-old Graziella's account contains numerous logical and psychological indicators that reveal that she did not tell the truth (e.g., logical and psychological absurdities). The case also exemplifies (b) the low competence of courts and expert witnesses when it comes to evaluating evidence and, moreover, (c) their proneness to attend to and be influenced by subjective and untrustworthy indications and to base their verdicts on these, while at the same time overlooking valid indicators. (d) This proneness will be particularly devastating if a certain kind of personality is involved in a case. The summary also reveals (e) the criminal pressure of the prosecutor against the injured party, and his threat against a witness to commit perjury. Finally the case illustrates (f) a number of procedural errors.

Absurd Constituents in Graziella's Account.
On 1993-09-06 Graziella told a school-mate that her father had raped her. She was 14 years old at the time. On 1993-09-08 she met the school welfare officer, who immediately accepted the allegation. The first police interrogation occurred on 1993-09-23. But three days before this interrogation – that is to say, *at a time when no evidence at all had emerged* – "the co-operation group" agreed that the father was guilty. It was primarily this anonymous group that took care of the investigation. It was the same group that determined the strategy which would eventually be applied in order to force the girl to hold on to her accusation.

According to the first police interrogation, the last act of rape was performed in Graziella's room. The door was not closed and the mother, who was present in the neighbouring room, did not notice anything. And this was so despite the fact that Graziella was good at karate, and that she stated that she "fought against it and said, no I won't. Tried to tear myself loose."

[One and only one of the judges of the court of appeal deemed both this and other constituents of Graziella's account to be improbable.]

A recurrent pattern is that Graziella starts by clarifying repeatedly that she does not know what happened. When the police officer – sometimes repeatedly – points out that such lack of knowledge is hardly possible in a real victim of sexual abuse, Graziella soon provides a detailed description of a concrete sequence of events.

Here follows a few examples. In the beginning she had “no idea” as to how the intercourse ended, and whether her father had an ejaculation. But shortly afterwards she assures that he pulled out his penis, was kneeling on the bed, pressed out the sperm, collected it in his hand, asked if some linen laying on the floor was dirty, then went thither and picked it up, and then wiped his penis.

In the beginning she had “no idea” of the time of the penultimate assault. Shortly afterwards: “Three weeks before this Sunday then.” [“Tre veckor innan på söndagen då”; the Swedish formulation is more clear, and I can only take it to mean: Three weeks before this Sunday” ***because*** *the police officer wants clear temporal information.*]

Within a period of ten consecutive statements of the interrogation she presents 4 versions about the nature of the penultimate assault: (a) rape and sexual intercourse; (b) she does not know if intercourse did occur on that occasion; (c) nothing happened except fondling of her thighs; (d) he fondled her thighs, but her genitals were briefly touched.

Concerning the time of the penultimate assault she also provides contradictory information, inter alia 1993-08-14, 1993-08-08 and 1993-08-24. However, the dates of the father’s 11 business trips from the beginning of 1993 and until 1993-09-09 when he was arrested, are unambiguously documented. There is no room for any such assaults except on 1993-07-18, 1993-06-27, or even earlier.

Graziella’s poor memory is even more astonishing in view of the facts (a) that her birthday on 1993-08-06 was celebrated with guests from other continents; (b) that her father’s new shop in another town was opened on 1993-08-18, and (c) that Graziella fell very much in love with a boy named Raymond, whom she met on 1993-07-02, and that she kept count of the number of days they had been together.

Graziella’s failing memory as regards the penultimate assault is even more perplexing because of the aftermath of this event. Almost immediately after the assault Raymond fetched her in his car, and she gave a dramatic account of what she had just experienced.

The father returned from another continent on 1993-07-25 and went to London on 1993-07-29. Graziella wanted to go with him, despite her claim in the district court that all the assaults had occurred in close temporal relation to her father’s travelling. She also said that she wanted to go with him because she had not yet met Raymond. This is not true, however; she met Raymond on 1993-07-02.

Graziella’s Retraction and the Subsequent Strategy of Blackmailing.

In the beginning the mother did not know whom to believe. In the district court she supported her daughter’s version. But after the father had been convicted on *1993-11-23* Graziella told her mother that she had lied about the abuse. The mother was driving a car. She got a violent reaction and eyewitnesses state that she nearly caused a traffic accident.

On *1993-11-30* Graziella told her psychotherapist. On *1993-12-01* the police properly told her off; the audio-recorded interrogation contains 77 suggestive attacks. On *1993-12-02* the abuse co-operating group met. On *1993-12-*

03 two social workers tried to induce Graziella to resume the allegations. She refused.

After this failure they went to Raymond, but they did not meet him until *1993-12-06*. Raymond was 19 years old and Graziella was 14. They threatened him with a prison sentence for having slept with a girl below the age of 15, unless he agreed to commit perjury. He had to testify that Graziella had confessed the assaults made by her father to him. He submitted. But *he asked for and received from the social workers a written promise that he would not be reported to the police*. The social workers brought him to Graziella and repeated the threat, and they wrote in their record that "Graziella gave in". – In the situation that had now emerged Graziella has no other option than to deny that she had ever slept with Raymond, when she denied that she had slept with her father. This was a pattern to which the court of appeal would later attribute *great evidential power*.

The social workers, and later also the prosecutor, likewise demanded that Raymond should testify that it was *Graziella's mother* who had threatened to report him for having slept with a minor.

The prosecutor had threatened Raymond to commit perjury. (Such a threat is a definite crime in Sweden.) However, the prosecutor had left to Raymond to invent the details, and this was a task that exceeded his capacity. In the court of appeal Raymond got a lot of aggressive questions from the prosecutor, about what had happened, when it happened, and what he thought.

For instance, Raymond's initial answers were that he had no idea of what Graziella's mother had requested in exchange for not reporting him. And he did not think anything when Graziella told him about the abuse by her father. Etc. etc.

The prosecutor incessantly needed to "remind" him of the particulars, and then he made a weak agreement. His agreements are not only meagre, they are bizarre and contradictory, and some of them contradict each and every version ever delivered by Graziella.

Even if he knew nothing about the prosecutor's blackmailing, any normal person would have realised that something was seriously wrong here. Why did the judges not detect that?

On 1993-12-16 Graziella retracted her accusations once more. The next blackmailing session occurred in the office of the prosecutor. This time, however, Graziella refused to lie. Two days later (1993-12-18) the social services formally took her into custody (her parents lost the custody). With the exception of young people she was prevented from seeing anyone who was not an ally of the prosecutor. Until the proceedings in the court of appeal were concluded, she was not even allowed to see her mother, except for a few hours on Christmas Eve. The prosecutor started a criminal investigation against Raymond. Moreover, a social worker was to drive her from her new foster home to the school and back every day, which meant five hours a week of non-documented conversation.

The Assessment of Graziella's Trustworthiness by the Pseudo-Witness-Psychologist.

Because of Graziella's retraction the police and the prosecutor realised that there was a risk that the father would be acquitted by the court of appeal. And they could not be sure what she would say during the proceedings. – Actually Graziella refused to say anything in court, and she refused to explain why.

Against this background the prosecutor turned to the pseudo-witness-psychologist Suzanne Insulander (not a pseudonym). Whatever I may think of her competence, it is a much more serious circumstance that she is in the habit of producing fake evidence to support prosecutors.

Despite this fact, the prosecutor succeeded in having this secret ally of his appointed to be the court's "impartial expert". – The defence counsel strongly welcomed this decision. None of his numerous errors in this case was greater than this one. It would have been easy to unearth her contributions in all the previous cases she had been involved in. And any competent counsel would have been suspicious of an expert selected by the prosecutor exactly in a situation in which there was a non-negligible risk of acquittal of the defendant on the basis of all other evidence.

Insulander could not interview Graziella. She could only use the interrogations already made, as a basis for new interpretation. Obviously she had only one option, viz. to claim that there is *a difference in quality* between Graziella's abuse version and her retraction version.

The primary argument of this pseudo-witness-psychologist was as follows. Graziella's allegation version is distinguished by logical coherence and absence of contradictions, and its psychological features are reasonable. By contrast, her retraction version is distinguished by a lack of logical coherence and the presence of contradictions. And its psychology is incongruous.

In order to have room for this construction about the logical coherence of the abuse version, she devoted most of her testimony to the task of explaining away all the flagrant contradictions of the very same abuse version. One of her stratagems was to fabricate that Graziella had eventually told things she had in the beginning not intended to tell. Moreover, she had still kept quiet about various things which she was really able to report.

None of the judges of the court of appeal detected that Insulander's "results" were impossible, since she eagerly explained away all those contradictions which, according to her "results", did not exist at all. Nor did they detect that these "results" were contradicted by the police interrogations. The first interrogation is a dialogue interrogation that has been transcribed word-by-word, so that statements on pages with lower numbers were made at an earlier time. On page 7 of the first interrogation Graziella said that her first sexual intercourse with her father occurred when she was ten years old. But on page 30 she does not recall how old she was at the first intercourse. Are we to believe that Graziella on page 30 had *not yet* intended to recount what she had already recounted on page 7?

Moreover, Graziella recalls her first menstruation. And elsewhere she has said that she lost her virginity when she was 12. But she did not state that her father had anything to do with this.

I want to emphasise and repeat another circumstance, which the judges also overlooked, and which has been mentioned above. To a psychological expert who intended to support the prosecutor and to whom only the police interrogations and other pre-trial documents were available, there was no other option than to claim that the quality of the abuse version was superior to that of the retraction version.

The court of appeal committed a number of procedural faults. (The defence counsel tolerated them, and in Sweden he did not have to do so.) *During the proceedings Suzanne Insulander was sitting at one of the judges' chairs next to the five judges. During the proceedings, she interviewed the defendant, in front of 14 persons* (including herself). The defendant could not know if she was one of the judges, and if he was in some sense obliged to answer her questions. – Afterwards she went down to the witness chair and testified.

The prosecutor had received her written investigation in advance. But the defence counsel received it during the proceedings. He had to read it at the same time as he was questioning the expert.

In the following quotation the pseudo-witness-psychologist has provided a clear description of the extremely extravert personality:

> "On different occasions [Graziella] has supplied completely contradictory 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 to swear that she is telling the truth – despite the fact that it is flagrant that one of the versions must be incorrect. [...]
> She experiences little feeling of remorse on account of information she had previously provided, but which she later asserted to be lies.
> 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-31:1]

Evidently Insulander had not understood what she had observed because, almost in the same breath she proved that Graziella had told the truth, and the foundation of this conclusion is the following statement in the district court, which she emitted while she was crying:

> "I'm telling the truth and [I] would never be able to lie about such a thing. Everyone knows that I still like my daddy."
> [Q-31:2]

At least four out of the five judges in the court of appeal did not detect this contradiction.

The Evidence Evaluation by the Court of Appeal.

The following is an objective fact. When Graziella denies sexual abuse, she is exposed to an enormous pressure to change her story. She is accused of lying, and

questions are fired at her whose purpose obviously is to catch her in telling lies. She is requested to provide such explanations which only a scientist could possibly provide.

By contrast, when she states that she had been abused, the truth is immediately taken for granted. Few questions are asked about details, and no question is difficult or unpleasant. She is not even asked to explain the most coarse contradictions, or to describe the motives of herself or of other people. For instance, when her father suggested that it might be time for her to use or carry birth control pills, because she is approaching the age when girls and boys go out, no one realises that a real victim of abuse would perceive this suggestion as an extreme degree of hypocrisy. And no one asks *"What did you think when he said so?"*

In its written judgement the court of appeal uncritically plagiarised Insulander's arguments. Great evidential power was attributed to Graziella's differential communicativeness and uncommunicativeness, respectively, in relation to her two versions. The judges completely overlooked the fact, which is familiar to any layman, that when everything one says is countered with aggressive distrust, it is a natural human reaction to "close oneself" and "hardly to show any facial expression", while it may be "impossible to reach [the person's] mind when asking questions".

Another plagiarism is the flagrantly false assertion about the differential logical coherence of Graziella's two versions.

But the most astonishing argument, advanced by Insulander and uncritically plagiarised by the court of appeal is that *the truth of Graziella's abuse accusations is proved by the fact that she has a good verbal ability.* [!]

Further justificatory reasons are that Graziella's account in the district court [erroneously!] is said to be very rich in details, to be well connected, to be free from exaggerations, to have the stamp of being authentic experiences, and to be in agreement with what she said in the police interrogations.

Some, but not all the further justificatory reasons in the judgement are likewise uncritical plagiarism of the pseudo-witness-psychologist's fabrications. It is erroneously stated that Graziella's account in the district court is very rich in detail; that it is coherent and free from exaggeration; that it bears the stamp of authenticity; and that it is supported by the information she had given during the police interrogations.

Besides, Graziella had assured that she would never lie about such things; Raymond had testified that Graziella confessed the assaults to him; the psychologists and the social workers *believed in* the abuse version. According to the court of appeal neither the psychologists nor the social workers, the police or the prosecutor had exposed Graziella to any form of pressure. Instead Graziella's mother was the only person who has influenced her. In addition, the court of appeal fabricated out of thin air that exactly the mother was the person who had pressed and persuaded Graziella to retract her accusations.

Immediately after the father was convicted by the court of appeal the prosecutor withdrew the charge against Raymond for having slept with a girl under 15.

The Supreme Court and the New Trial Motions.

In its written judgement the court of appeal presented a total of 25 facts or patterns of facts, and explicitly and unambiguously stated that the father was convicted exclusively because these 25 facts had been verified.

In the first new trial motion a new and competent defence counsel and new psychological experts conclusively proved that each and every one of these 25 facts was totally absent from the actual reality.

The Supreme Court replied that even if the court of appeal had known this, the court would nevertheless have convicted the father.

This reply is much more important than it may appear at first glance. The reply signed by five judges of the Supreme Court logically implies that four judges of the court of appeal were deliberately lying, when they stated their reasons for convicting the father. The judgement contained 25 intentional lies, and 100 % of the justificatory reasons were purposeful lies.

Sweden is one of those few countries in which a literature on legal evidence evaluation is flourishing. Perhaps we should not be surprised that the jurists themselves carefully avoid performing empirical studies of actual argumentation produced by judges. An empirical attitude could be a severe handicap for their career. But some philosophers and psychologists, who have good relations to judges and professors of jurisprudence, have also produced such writings, and they had little to loose by empiricism.

The new trial motion was handled by five voting judges and one judge referee. “Judge referee” is the English term for “revisionsekreterare” authorised by the Supreme Court. He has no vote, but it is his task to prepare the case and to write a proposal for a reply. In the present case the voting judges accepted the proposed reply. This is not a rare occurrence.

However, the judge referee has managed to overlook each and every reason among the many reasons for re-opening the case and holding a new trial, which had explicitly been stated in the new trial motion. Only three of these reasons will be mentioned here: (a) *the blackmailing of Graziella and Raymond by the prosecutor and the social services;* (b) *a number of procedural faults, and not only those involving the pseudo-witness-psychologist Insulander;* (c) *the pattern that the defendant was convicted despite the fact that Graziella had said nothing in the court of appeal and could not be cross-examined during the proceedings.*

Instead the judge referee falsely claimed that the new trial motion contained one and one reason for a new trial, and that this reason was that one police officer was removed from the pre-trial investigation, because he believed in Graziella’s retraction.

On the one hand, this reason for a new trial is nowhere stated in the motion.

On the other hand, a counsel would be extremely ignorant if he thought that the Supreme Court might re-open a case for such a reason. The new trial motion should definitely be rejected, if it contained no better reason.

Human memory is fallible, and I have myself committed major errors in print. Nevertheless, it is extremely improbable that each and every one out of five judges and one judge referee would make exactly the same erroneous reading, that is to say, overlooking each and everyone in a large list of reasons, and instead "perceiving" a fictive reason, of which no trace can be found in the new trial motion.

I feel myself unable to believe in any other explanation than the following. The judge referee made a mistake (possibly but not necessarily in good faith). The five voting judges did not read the new trial motion at all. They just signed the text formulated by the judge referee.

Chapter 32
The Loftus Case

Delphine, Solange, a newly born son (biological children b. 1988, 1989, 1992)
The district court: two weeks before the proceedings were due to begin the prosecutor withdrew the charge. But the defendant demanded to be acquitted by a decision made in court. On 1994-03-11 he received an ”office judgement” (a judgement without a trial and based on the written facts of the case).

Everything in this case pointed towards a conviction, and the defendant very nearly got an erroneous four-year-sentence. Conviction was prevented solely by three circumstances. First, the defendant changed to another lawyer before the trial. Second, the new lawyer and the defence experts he engaged spent an unreasonable time and effort on the case. Third, the new defence counsel and defence experts were in advance in the possession of an unusual amount of relevant knowledge and competence. – This case also reveals the nature of the steps the authorities are prepared to take as regards the fabrication of false evidence.

On 1992-03-05 the father moves away from the family. The three children are 1 month, 2½ years, and almost 4 years old at the time. On *1992-03-16* both parents together hand in a joint application for shared custody of the children. Less than one month later, *1992-04-15,* the mother informs the child psychiatric clinic about her suspicion that the father has sexually abused the children. On 1992-04-24 she reports the father to the police. On 1992-07-13 a legal decision is made to the effect that the father must not have any contact with his children.

The case was for a long period discussed and re-discussed in the co-operation group. In this case we are in the unusual situation of knowing what persons attended the meeting when the decision was taken to report the father to the police. The group consisted of 12 people: the prosecutor, two police officers, three doctors from the Child Psychiatric Clinic, one social welfare officer and one pseudo-witness-psychologist likewise from the Child Psychiatric Clinic, and four persons from the social services. The pseudo-witness-psychologist was Bodil Hjalte (not a pseudonym).

One of these doctors produces an affidavit about the gynaecological characteristics of the daughters. Although she has no competence in this area, she writes that Delphine’s *behaviour during the examination* gives ground for the suspicion of sexual abuse. It was one of the doctors at the clinic who advised the mother to contact one particular police officer.

On 1992-08-18 the judge appointed Hjalte as the impartial expert of the court. This was most astonishing, since the judge knew that she had a close connection with the clinic that gave the children “abuse therapy”: He also knew that she attended all meetings of the co-operation group. This was her 25th legal case. In each of her former 24 ones Hjalte had concluded that the defendant was guilty. (The courts had by no means accepted her conclusions in all these cases.)

After many hours of interviewing all the family members her written investigation (28 pages, 13 500 words) was completed on 1992-11-01 with the following conclusion. The father is definitely guilty of having abused the older daughter. The younger daughter should undergo *psychotherapy* [!?] with the aim of finding evidence that she too had been abused.

Despite the many interviews and the length of the written investigation, the conclusion of this pseudo-witness-psychologist is not in the least based on any of the facts (or sham facts) which she herself had gathered. Her conclusion is exclusively based on a few facts gleaned from the police investigation.

The mother has audio-recorded a number of her conversations with the children. She claims that the children had frequently told her about sexual abuse. However, this kind of information is almost completely absent from the recordings. All in all, Delphine have made two statements, the first on the mother's tapes and the second during a police interrogation: (1) "Mummy, my daddy he peed in my, my, pee and then my navel, and then he took out his willie, out of - - on me – in the pee." (2) "I have touched his willie. Fondled him." The first statement is supposed to prove that the father ejaculated on Delphine's stomach, while the second supposedly proves that Delphine had masturbated her father.

Hjalte's primary argument as to why Delphine had really been sexually abused is as follows. Children can be taught nursery rhymes and children's song. But they cannot be indoctrinated to learn such *complex narratives* [!] like the ones quoted above.

It is not a satisfactory state of affairs when judges uncritically accept the stratagem of presenting these two sentences as complex narratives.

At the request of the new defence counsel Hjalte stated that her method was based on the approaches of Elizabeth Loftus and Arne Trankell. But then one of the defence experts translated her entire written investigation into English and asked Professor Loftus for a comment. In her written testimony Loftus (1993) rejected both Hjalte's results and her methodology. She rejected the methodology both as an approach Loftus would ever apply, and as legitimate scientific approach.

What happened next was a most extraordinary thing. The judge gave to *Bodil Hjalte herself* the task of producing a new, impartial, investigation as to what light Loftus's writing had shed on her first investigation.

In her answer Hjalte resorted to using two tricks. First she claimed that the translation was erroneous. As a result Loftus had not contradicted anything Hjalte had really said. – But then the defence team called in a professional, native British translator who examined the version that was posted to Loftus. He found two minimal errors that could not lead to any misunderstanding.

Second: *Before* Loftus had written her statement, Hjalte had asserted that pre-school children cannot be indoctrinated at all. *After* Loftus's statement she made a U-turn: young children can be indoctrinated, but indoctrinated narratives can be exposed because they will disappear if the questions are rephrased.

The judge did not notice (a) that Hjalte now asserted and defended a quite different theory; (b) that she herself had re-phrased the questions, and that Delphine thereby had shown the kind of reactions which, according to her later theory, are

typical of indoctrinated statements; and (c) that she nevertheless stuck to her claim that the “narratives” were authentic and really experienced by the child.

In contrast to Hjalte, Astrid Holgerson is a genuine witness psychologist. Until she retired she was the head of the Witness Psychological Laboratory at Stockholm University. In this position she succeeded Arne Trankell, who had also been her tutor. She wrote a statement in which she claimed that Hjalte’s investigation had nothing whatsoever to do with Trankell’s method. Hjalte had stressed that she had devoted much attention to the conditions of origin and genesis of the abuse allegation. But in actual fact she had totally ignored these. Moreover, she had selectively picked up isolated statements without providing any information about the context.

Up until then the judge had entertained the subjective conviction that the father was guilty, and on this ground he had strongly rejected all petitions of the defence team about a new and genuine witness psychological investigation. Now he finally took impression and appointed Lena Hellblom Sjögren as a second impartial expert of the court. She interviewed all the family members and, in contrast to Hjalte, obtained really non-trivial information. Her 150-page written investigation conclusively proved the intensive indoctrination that had been carried out by the mother.

The prosecutor finally realised that he could not win this case. Two weeks before the proceedings were due to begin, he withdrew the charge. But the defendant demanded and received an acquittal in court.

Chapter 33
The Case of the Lost Spermatozoa

Vanessa, injured party, b. 1987, biological daughter.
The distric court, 1989-10-27, convicted, unanimous.
The court of appeal, 1988-12-22, convicted, unanimous.
The Supreme Court, 1989-10-12, rejection of appeal.

Harry and Ilona are fugitives from a dictatorship in the third world. In his home country Harry has been a political prisoner. Their daughter Vanessa suffers from heditary hypothyroidism. It is a medical fact that this disease will often be accompagnied by constipation, which may be severe despite the daily dose of the missing hormon. The mother has recurrently cut ordinary soap into rods of the format ½ × 1½ × 5 cm. She would press these rods into Vanessa's anus, and keep them from coming out by pressing her thumb against the opening. After some 15 minutes bowel emptying would start.

Because of her problems with constipation both parents suspected that Vanessa was sexually abused at her pre-school. Both parents demanded a gynaecological examination under anaesthesia. Two such examinations were performed when the child was 22 moths old and again at 28 months. It was performed by three doctors. Two of them (WW and KK) testified in court. The doctors discovered "positive evidence" of abuse. Then the father was sentenced to three years in prison. The only way for him to be released before he had served the full sentence, was to divorce his wife. The parents did divorce, and afterwards they could not live at the same address. Previously one parent had brought the child to the preschool, and the other had fetched her in the afternoon. Now the mother had to do both, and also had to perform double labour in many other respects.

There were at least ten categories of evidence of the crime. I must be excused for not listing and refuting every single one. The most important ones were: (a) Vanessa suffered from constipation; (b) around her anus there were 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. – This 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 scrutinising the strongest evidence.

If Harry was guilty, he did his best to provide foolproof evidence against himself. Against some resistance from the police and the prosecutor he had a decision made to perform a DNA analysis of the spermatozoa. At that time such an analysis could not be performed in Sweden. A specimen was sent to a laboratory in the United States. The Swedish authorities present three different versions of what happened to this specimen. During a period of six years, they have concealed which version is the true one. Not even the Medical Responsibility Board requested any

information, when the Board later handled the case. [The authorities did not cease to conceal the facts after six years, but they were no longer asked to supply an answer.]

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 legislation forbade such a test to be performed on foreign specimens. The third version is that the specimen was opened by a mistake by the customs. As a result they 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. In its report this laboratory speculated that the semen could have been handled in a faulty way in Sweden. – I myself have written a letter to the laboratory and asked a simple question that could easily be answered: Are the observations compatible with the hypothesis that there were no spermatozoa in the specimen. I received an altogether uninformative note, which I can only interpret to mean that the laboratory did not want to compromise the customer who had paid for the investigation.

And then there was no more secretion; all of it had been used up.

Immediately after the fluid had been obtained from Vanessa, it was sent to a nearby fertility laboratory, which had never before handled criminal cases. Three doctors examined the secretion under a microscope. None of them detected any spermatozoa. This is a crucial fact, because spermatozoa are very easy to detect. We can justly conclude that at that time there were no spermatozoa in the specimen.

Later the doctors coloured the secretion with a brush, which had previously been used for colouring genuine specimens of male semen. In a fertility clinic it is not important if a brush is *totally* cleaned. However, when the three doctors took another look in the microscope after the secretion had been coloured, there were really some spermatozoa present – albeit a perplexingly small number.

Why was it so perplexingly small? The father's semen has been tested, and one ejaculation contained 295 million spermatozoa. If the latest assault had occurred some time ago, only a few spermatozoa might have survived in Vanessa's vagina. However, KK testified that during the gynaecological examination she could from her place behind WW and with her naked eye see a large drop in the child's vagina, which was transparent and looked like male semen. This is the drop that was secured and eventually sent to laboratories abroad.

Such a concentrated drop of semen could only be found, if the sexual act had been performed during the very last few hours before the examination. But Vanessa had been at the hospital for at least 17 hours, and had during this period been completely separated from her parents. During a period of 8 additional hours, Harry could only have had the opportunity to assault the child when he fetched her from the day nursery and brought her home. At that time he knew that she would be going to hospital two hours later. If the police had shown even a minimum 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 from the day nursery to the home.

Suppose that the sap was rising and Harry could not resist, even though he knew full well that a gynaecological 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, it would not have remained in the same place 19 hours later. 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 when it was observed under the microscope the first time, they would have been visible. Additional support, that is not fully as conclusive, is provided by the fact that the British laboratory was unable to find any trace of spermatozoa.

Vanessa suffered from vaginal discharge. But there is no information in the case-notes about how watery it was.

The district court appointed a medico-legal doctor as the impartial expert to the court. It is evident that he knew nothing of the problems in question, and that he simply believed the words of the three examining doctors and the head of the fertility laboratory. He even believed that the constipation – a highly frequent symptom in hypothyroidea – was caused by anal sex.

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.

When KK testified in court, she assured that Harry had definitely carried out a full intromission. However, when she afterwards was informed of WW’s view that Harry had masturbated on the outside and merely squirted the semen into the vagina, KK immediately retracted her former version and joined WW's idea.

The judges did not detect this U-turn.

According to the testimony of WW and KK, 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.

None of the judges detected the great discrepancy between KK’s and WW’s figures about the maximal size of the vaginal opening in non-abused children. And this was so despite their common claim that both their testimonies were based on the same literature. KK said 4 mm while WW said 10 mm.

But a much more serious lie is involved here, viz. the confusion of the stretched and the unstretched measure. 15 mm is the stretched measure under anaesthesia, while 4 mm is the unstretched measure without anaesthesia. Comparing stretched and unstretched measures is a very foul trick.

Vanessa’s unstretched measure under anaesthesia was 10 mm. In court WW supplied a physiological explanation as to why anaesthesia could not have enlarged the measure. Nevertheless, *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*. – She obviously took the chance that the defence counsel would

neither obtain the case-notes, nor ask an expert of her own, nor check the literature that had been invoked.

One week later Vanessa's unstretched measure without anaesthesia was found to be 5-8 mm. (The amplitude might derive from the child's movements).

At a much later time, two independent and outstanding gynaecologists studied the case-notes and examined Vanessa's sex organ. Both of them agreed that there no unusual feature was present.

KK repeatedly claimed that she had before the trial prepared herself well by reading again the comprehensive literature which she and WW had collected over the years.

This is a typical example of what Scharnberg (1996, 1994) calls "a twin lie": a combined lie in which one part of the message contains the central and mendacious information which the receiver is intended to believe, while the other part of the message contains specific persuasive devices aimed at giving authority to this mendacious information.

The important feature of twin lies is their enormous persuasive power. For some reason numerous people (not least numerous judges) are disinclined to imagine that anyone could produce two lies in one go.

The "large" amount of literature allegedly collected over the years by KK and WW, turned out to consist of two brief 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 there are great individual differences, and that an enlarged opening should never per se be taken as an indication of sexual abuse.

In contrast to WW's and KK's false account, Berkowitz does not 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.

Most astonishingly, Cantwell claims to have carefully studied the literature, but to have found no information on the measure of the vaginal opening. But Cantwell's paper is the source of KK's postulated measure of 4 mm. Cantwell claimed to have found that 74 % of the girls *up to and including the age of 12*, and whose measure exceeded 4 mm, had been sexually abused.

This postulation is impossible. In *The Gynecology of Childhood and Adolescence* Huffman et al. (1981) gives the following figures: 0-2 years = 5 mm, 7-9 years = 7 mm, 11 years = 10 mm. Note carefully that these figures are *mean values*, and no information is provided as to how much greater a normal measure might be.

At the time of this trial little was known about the topic, and a wealth of contradictory measures were stated in the literature.

The family did not have modern North-European hygienic standards. The child would sometimes wear the same nappy from early morning until night. She would sometimes defecate; her faeces would dry up; she would urinate and 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 cotton buds. She swears she never used her fingers. But we need not believe her, because of the limited effectiveness of cotton buds and her fear of criticism from the authorities.

Such treatment might well enlarge the vaginal opening. There would also be a risk of causing minor ruptures on the hymen (which would soon heal up). In fact, WW admitted in court that ruptures may be produced by gynaecological instruments.

Berkowitz (1987:278) also writes: “A girl who is inserting tampons may induce hymenal changes indistinguishable from those associated with sexual abuse.”

At the beginning of her testimony, WW said it was “absurd” to try and explain Vanessa's anal symptoms as the result of constipation; they could only derive from anal sex. But a few minutes later, she spontaneously produced an alternative hypothesis: anal sex had caused the constipation, and the constipation had caused the anal symptoms.

But since there were no other indication of anal sex than the anal symptoms, and since the anal symptom were under the new explanation no indication of anal sex, it follows that there was no indication of anal sex at all.

None of the judges detected WW’s U-turn and the implications of her new theory.

KK had completely overlooked the possibility that the soap method applied by the mother could have any relation to Vanessa’s anal symptoms. She postulated that anal sex was the only possible explanation. However, when she in court heard about the soap method, she made another U-turn and claimed to be an expert on what kinds of anal symptoms could derive from the soap roads and from anal sex, respectively. *None of the judges detected this U-turn.* KK even said that soap rods cannot produce such signs because soap “is a matter of small pieces [...], why, it cannot change the surrounding skin”.

The adult anus is approximately twice the size of that of a two-year-old. An adult would therefore have to insert two rods of $1 \times 4 \times 10$ cm, say, twice a week over a period of more than six months. Who among my readers is prepared to agree that such rods are “small pieces”? Who would be surprised if this treatment resulted in signs that their anuses had been “very much stretched”?

The only common denominator of this heterogeneous body of contradictory claims, U-turns and other pseudo-arguments, was the aim of having Harry convicted.

The prison psychiatrist wrote in the case-notes that Harry was innocent. By contrast, the prison psychotherapist (Elisabeth Kwarnmark, not a pseudonym) treated him as a very contemptuous individual, because he had not confessed to the crime. After a year Harry refused to go on with the treatment. Kwarnmark took out her revenge by writing to the National Parole Board that they should not release him prematurely, because he would repeat the crime.

For years, and against Swedish legislation, the hospital refused to release a copy of Vanessa’s case-notes to her own mother. She did not obtain them until she threatened to report the hospital to the police.

She is often crying: “They have ruined my life, and they have ruined my daughter’s life”.

The Medical Responsibility Board (HSAN) has passed a remarkable decision concerning the behaviour of the doctors. According to this decision, HSAN is exclusively concerned with the activities of doctors (and of clinical psychologists) when they are (a) making diagnoses and (b) giving treatment to (c) *patients*. Producing false convictions and severe sentences by fabricating false evidence for the prosecutor or by committing perjury, do not constitute any break of the code of professional medical ethics. And Harry is not entitled to complain, because he was not *a patient* of the medical doctors that testified against him.

Presumably, 2-year-old Vanessa was a patient. But the time limit for complaining will expire when she reaches the age of four. And if her mother had found a lawyer that could protect Vanessa’s interests, the social services would have deprived the mother of the custody, and Harry would have had to serve the entire sentence.

Harry believes that the Swedish police collaborates with the police of the country from which he had escaped: false evidence was fabricated in order to punish him for his previous political struggle against the dictatorship.

Chapter 34
The Underground Case

Vessela (injured party, b. 1983, biological daughter)
District court, 1992-03-10 (convicted)
No appeal to the court of appeal.

Great attention should be paid to some unusual aspects of this case. First: During the legal proceedings the defendant was seriously mentally ill and, as a consequence, incapable of defending himself.

Second: the court selected an extreme feminist as defence counsel. Because of her ideological view she wanted her client to be convicted. As a link in this aim, and in contradiction to her client's wish, she did not appeal the judgement of the district court.

The father's illness does in no way support the suggestion that he was guilty. But because of his illness he would in painful situations (e.g., during the interrogations by the police and in court) give a lot of whimsical answers. This is a well-known reaction in people who suffer from this kind of illness. But all judicial, psychological and other professionals who were involved in the case seem to have perceived this pattern as the attempt of a guilty defendant to conceal his guilt.

The family had emigrated from a country in the third world, but they were not political fugitives. The mother asserted that the father was a secret agent of the dictatorship in their common native country, but this is nonsense. He is an active social-democrat.

The parents divorced in 1987. It seems that at that time no legal decision was made about the custody of the child. In the beginning Vessela (now four years old) lived with her father. For the child this was not a satisfactory solution. After a visitation period with her mother during spring 1989, she refused to return to her father. Although there is clear evidence of the mother's indoctrination of the sexual abuse allegation, there is sound reason to conclude that it was the child's own wish to live with her mother.

According to the case-notes of the social services the mother had stated in February that she had "a feeling" that the father had sexually abused the daughter.

The prosecutor engaged Anita Palm as a witness psychologist to evaluate the allegations. The district court was more influenced by Palm's deductions and results than by any other evidence.

This psychologist may have realised that the mother's "precognitive" feeling despite the total absence of any supporting fact, could be construed as an indication that she had indoctrinated Vessela. At any rate she explained away this feeling. She fabricated that the mother had probably not said anything of the kind. Instead she had been misunderstood by the social services.

However, during the proceedings in the district court the mother admitted both her feeling, her statement to the social services, and the time of this statement.

Four months after the precognitive feeling the mother got her first "palpable" indication, which consisted of the following fact. In June 1989 the mother was naked after having taken a bath, and the child told her to dress.

Genuine witness psychologists are very careful to avoid contamination between their own contribution and the investigations carried out by the police, prosecutor and other authorities. Palm thoroughly disregarded this rule. There were two police interrogations of the mother, on 1989-10-11 and 1990-07-31, respectively. At the second occasion the **police** interrogation was made by Palm, and it was *not* a witness psychological interview.

Despite the nature of the topics discussed, the child was likewise present. During both interrogations the mother recounted that when Vessela was 4-6 months old, the father had repeatedly undressed her lower parts, and he had threatened to perform sexual intercourse with her in front of the mother.

Note that this narrative was told in October 1989 and July 1990, by the same mother who in February 1989 could give no reason for her "feeling" that the father had abused the child; and who in July 1990 stated that she had never suspected the father of sexual abuse during the 7-9 months when Vessela lived with him.

The mother admitted that she had asked leading questions, for example whether the father had performed coitus from the front or from the rear. Moreover, the mother states that Vessela had sometimes laid down on her back and imitated sexual intercourse. On those occasions she had had the same facial expression as the father had when he was sexually aroused.

Strangely enough, neither in the report to the police of 1989-09-20, nor in any of the police interrogations on 1989-10-11 and 1990-07-31 can we find a single word about oral sex.

Vessela was interrogated by the police on *1990-07-31*. Her statements contain many features that are highly frequent in indoctrinated narratives made by preschool children, e.g., getting hold of the wrong end of the stick. At 7+12+17+19 months after her mother's first "feeling" the child made almost identical word-by-word formulations. The following is example. "When the mummies and the daddies are sleeping with each other, this my daddy did to me." She was asked if she had seen her parents do it. She had not. But she had seen it on the underground. A boy had said to a girl, "Shall we do it?", and then they had kissed each other.

She added, "mummy did not see". Palm took this additional comment as evidence that Vessela had recounted a real experience. – I do not agree. It is not difficult to indoctrinate a six-year-old child to believe in a narrative, which contains the information that only the child but not the mother had seen this or that.

A much more relevant point is that regardless of whether the underground event occurred, it gives no indication that Vessela had watched or been exposed to sexual intercourse. On the contrary, it reveals that Vessela did not have elementary knowledge of coitus; in particular, she had no knowledge of such features that could not have been missing, if she herself had experienced it. On the basis of Palm's premises the reasonable conclusion would have been that Vessela's father had kissed her.

But the district court did not detect this fact.

Vessela has said elsewhere that her father had his willie in her mouth, and that she ate something that was white, and then she vomited. The father did this "always", "every day and night". Nevertheless she did not say one single word about sexual abuse during 6½ months of psychotherapy.

Another psychologist, who also supported the prosecutor, wrote that the girl had said that her father had "fucked" her, but that it was not clear whether she knew the meaning of this word.

Her narratives are replete with adult language, a clear indication of indoctrination according to Scharnberg (1996, vol. II, chap. 87). Inter alia, when she was almost 5 years old, she allegedly told her father, when he performed genital intercourse, that he should do those things with adult women and not with her.

The mother says that the father *never* smacked the daughter, while Vessela says that he *always* smacked her.

After a number of scandals Anita Palm was forced to leave the witness psychology group at the University of Stockholm (Arne Trankell's students and successors). The case at hand was the last she was permitted to handle. Clearly, her aim was to conceal or explain away all those facts that were embarrassing to the prosecutor, and to over-interpret harmless events so that these could be presented as strong evidence. *Her investigation is a parody of witness psychology. The so-called witness psychological interview with the father was conducted at the police station, in the presence of two policemen, who even participated in the dialogue.* Palm tells the father in so many words that any denial will be taken to be a lie. After she had many times accused him of lying whenever he denied the crime, he ceases to answer her accusations. But this cessation provided Palm with an argument that could be used in court: the father did not answer the accusations because he *could not* answer them. And why not? Because he was guilty.

The prosecutor was supported by one witness psychologist and three clinical psychologists. Palm asserted that the child was trustworthy as regards the nature of the assaults (fellatio plus genital intercourse with ejaculation). But the child was not trustworthy as regards the number of acts. No argument was presented for these conclusions. But it is not difficult to guess Palm's motives. It might have been risky to try to convince the court that the father had committed an act of fellatio every day. And if the assertion about frequency had been called into question, the father might have been acquitted altogether.

In his judgement the main judge plagiarised Palm's speculations without any attempt at critical examination. The same tendency is even stronger in a newspaper interview he gave about this case (*Aftonbladet* 1992-03-24): "It happened only twice."

A number of formulations in the affidavit signed by the third clinical psychologist are also found in the judgement.

The second clinical psychologist wrote on page 1 of her affidavit that no circumstance had emerged that pointed to sexual abuse. On page 2 she wrote that it

was absolutely certain that Vessela has been abused. *The district court did not notice this contradiction.*

Chapter 35
The Virus Case

Linda and Edith (b. 1986 and 1987, biological daughters)
The prosecutor decided three times not to try the father. But a number of judgements were passed by the district and the court of appeal between 1991 and 1995, regarding whether the father should be permitted to meet his children without supervision.

When the parents divorced, their two daughters were 3 and 1 years old. One afternoon a few weeks later (1989-11-22) the father was babysitting in the mother's apartment. When the mother came home she observed a virus infection in Linda's breast. The diameter was 2 cm. The mother thought that the father had tortured Linda with a cigarette lighter. The idea did not occur to her that if this was true, the mark would have been sore and painful, and the child would have been scared of her father. But none of these circumstances were present.

The mark on Edith's breast is illustrated in Figure 1. I am not a medical expert on burns. However, this mark does not resemble any of the colour pictures in J. A. Clarke (1992): *A Colour Atlas of Burn Injuries.*

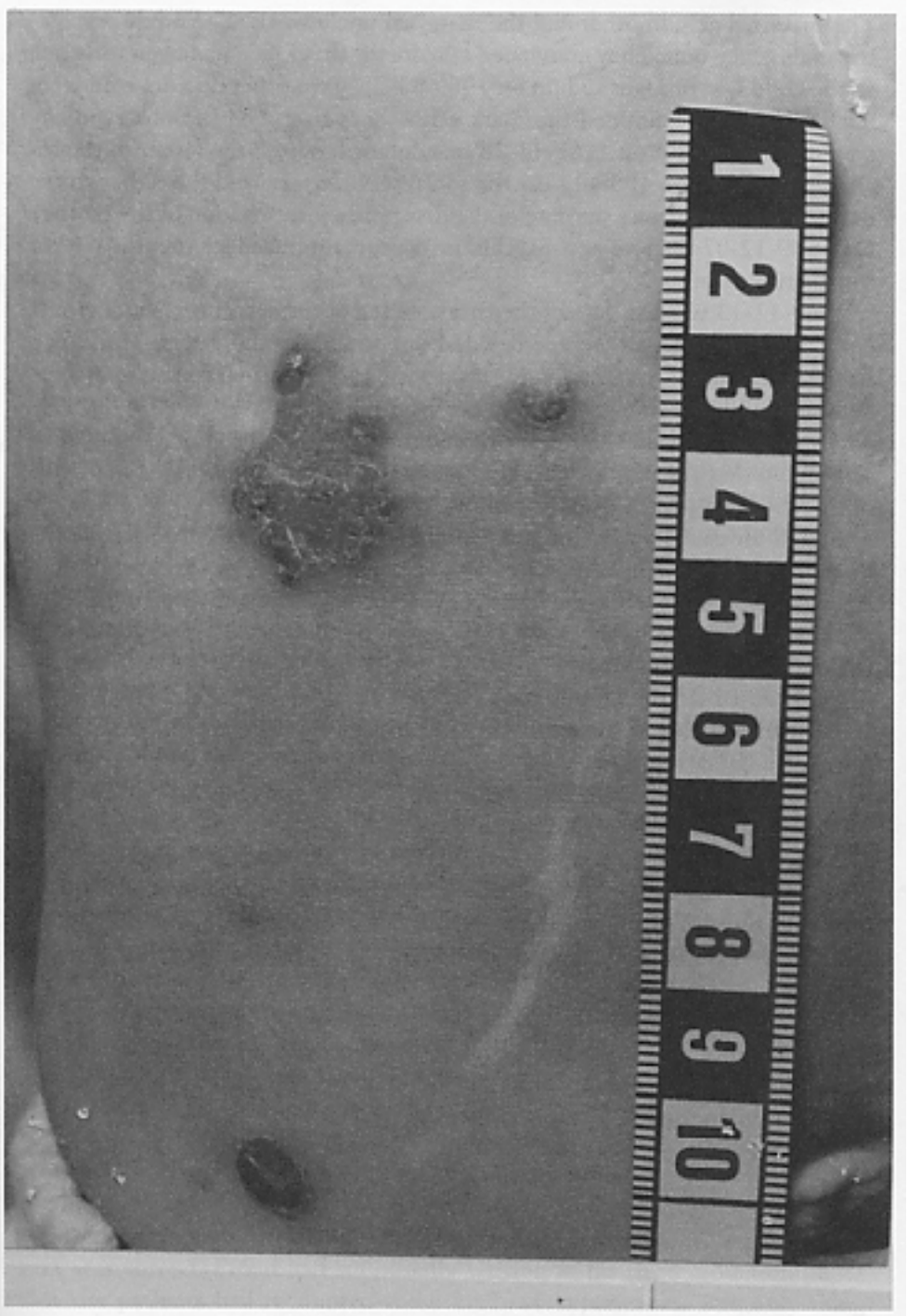

Figure 1. This photo of Edith's breast was taken 1989-11-25 (three days after the mark was noticed for the first time).

The maternal grandmother and the maternal uncle work at an adult psychiatric emergency unit. They convinced one doctor that Linda had been tortured, so the child was brought to him on 1989-11-25. Two other doctors who were not psychiatrists examined the mark a few days later. Neither observed any pain or soreness. But on 1989-11-28 one doctor reported the father to the social services, and on 1989-11-30 the social services reported the father to the police.

1989-12-01 was the date of the first police interrogation of the mother. On 1989-12-07 the two non-psychiatric doctors produced a joint affidavit for the district court.

1989-12-13 was the date of the first meeting of the secret sex abuse group. Two days later the prosecutor decided not to charge the father. He gave a strong and unusual justification for his decision: “There is no reason to assume that any crime has been committed”.

Around the end of 1990/the beginning of 1991 the head of the day nursery stated that the psychic condition of both girls had deteriorated markedly during the spring and autumn of 1990.

This is an excellent example of a pattern which judges have observed in numerous cases: the health of a child is excellent as long as sexual abuse [allegedly] takes place, while the health of the child deteriorates when the alleged abuse stops. A more likely explanation is that the deterioration was caused by the mother’s intrigues.

On 1990-02-15 the mother took both her daughters to the child psychiatric clinic. This was almost three months after she started her attempts to send her former husband to prison.

Nevertheless, three clinicians would later write a mendacious affidavit to the court, in which they claimed that the mother was not in the least prone to accuse the father. On the contrary, still when the mother visited the child psychiatric clinic for the first time, she had been blind to all the clear signs of sexual abuse. The clinicians wisely abstained from stating what these clear signs were. But they did state that it was the clinic that had opened the mother’s eyes.

It goes without saying that the aim of this lie was to facilitate a legal conviction, or another erroneous judgement. The father was never tried despite the mother’s repeated police reports. But for five years he was not permitted to meet his children without supervision.

Chapter 87-94 in Scharnberg (1996, vol. II) are devoted to an analysis of this case.

Chapter 36
Reading a Text Correctly As It Stands

Chapter 36-43 will be concerned with some aspects of the methodology of textual analysis. One technique, the morphological method, was described in chapter 30. – Some analytic techniques are highly advanced and complex. Others are simple. The most fundamental aspect is the ability *to read a text as it stands*: to perceive what is in the most manifest way stated in a text; not to be blind of some of its unambiguous contents, style and other features; and, furthermore, not to fancy the presence of other contents and style etc., of which no trace can be found in the text. Such blindness and fantasies are particularly frequent if the text contains persuasive techniques directed toward the reader.

In the three seduction articles of 1896 Freud (GW-I:440/SE-III:204) unambiguously stated that his patients had told nothing about having been sexually seduced or abused. They had ardently denied having had such experiences. It was exclusively Freud's own interpretation that they had so, and that these experiences constituted the cause of their present symptoms. Moreover, Freud applied brutal persuasion techniques to force the patients to believe in his preconceived interpretations.

In *The Assault on Truth* Jeffrey Masson (1984) quotes the third seduction paper in toto as an appendix. However, in the main text Masson claims that Freud's patients entirely on their own initiative told about sexual abuse; that Freud believed them in the beginning; and that he was right in believing them. Masson goes on to say that Freud later rejected "the patients' accounts" as fantasies, and that he was wrong in doing so.

During the entire 1980s thousands of scholars and laymen participated in a worldwide debate about the relevant writings by Freud and Masson. Despite my comprehensive reading of and listening to these contributions, I did not encounter a single debater who did not imagine that Masson's account of Freud's text was correct. Freud had supposedly written in his third seduction paper that the patients had recounted these kinds of experiences. The only thing the debaters disagreed about was whether Freud was gullible when he in the beginning believed his patients' narratives, or whether he was a coward when he later rejected them.

I am by no means the only researcher who has documented the widespread absence of the ability to read a text as it stands. For obvious reason I cannot devote much space to this topic here. But on account of the subject matter of this book, a legal example is called for. I shall choose one provided by Thomas Eriksson (1994a, 1994b), who was at that time a psychiatrist at that Swedish prison to which those convicted of sexual abuse of children would primarily serve their sentence. The teenage girl who accused her grandfather of abuse is called "Judith" in Scharnberg (1996). Important analyses of the evidence have also been presented by Edvardsson (1997).

Here we shall only look at the facts presented by Eriksson. Judith was a drug addict. Since she was in a psychotic state the police interrogation was held at the hospital. Neither the police, nor the prosecutor, the judges or the first defence counsel who handled the case in both the district court and the court of appeal (before the case was re-opened), detected that it was not the girl who accused her grandfather, but the social welfare officer at the hospital who answered “in her place”.

If correct reading of a text is the most elementary fundament of the methodology of textual analysis, the second level consists of *juxtaposition* and *comparison*. Here I shall formulate a general rule of great importance: *Even in the absence of any specific rules about what should be juxtaposed and compared, and how it should be compared, the very fact that something is indeed juxtaposed and compared will not infrequently produce significant information.*

Both the above-mentioned examples aptly illustrate this pattern. It seems that neither the prosecutor nor the judges had compared Judith’s statement with those by the social welfare officer.

Let us assume that those tens of thousands of scholars who debated Masson’s view, had read his book including the appendix. If they had, they clearly failed to compare Freud’s and Masson’s texts.

At the present stage it may not be possible to formulate an exhaustive set of rules about how to use juxtaposition and comparison. But it should not be controversial to say that what the researcher or the investigator needs more than anything else, is the special eye or gaze for what pieces of information it might pay to juxtapose.

Chapter 37
Juxtaposition and Comparison of Temporal Relations

Paying close attention to temporal relations is often a very useful approach. Real or alleged temporal facts found in different places of a document, or in different documents, can be collected, juxtaposed, and compared. At what time did a certain event occur? At what time did a certain person tell about this event? – The analysis of temporal relations includes a large spectrum of techniques of different degrees of complexity. But even as regards the most simple pattern it seems to be *a normal feature of the human cognitive apparatus to have immense difficulty in surveying more than two temporal relations, without the assistance of pencil and paper or other tools*. And many written legal judgements clearly prove that judges are not more skilled than other people.

The table of the temporal relations that was presented at the beginning of this book, unambiguously reveals that Fanny Mollbeck "knew" what Elvira had experienced, before Elvira knew it herself. Consequently, Elvira's accusations against her father were not self-experienced events. They were fictive occurrences, which had been fabricated by Fanny Mollbeck. And Mollbeck was also the one who had indoctrinated Elvira into believing in them.

Even if this result were the only one I had achieved, my analytic approach would still be very powerful.

Other things proved by the time-table include the fact that Mollbeck had repeatedly lied about what Elvira had told her. And Elvira had no recollections of any sexual assault during the first police interrogation; and neither during the three preceding months. The absence of recollections was repeatedly tested during this temporal interval. Moreover, in the first police interrogation she was absolutely sure that no sexual assaults had occurred during the preceding 5½ years. Even her incest therapist testified that Elvira recounted no concrete events until after the first police interrogation. Moreover, when she finally got an image of her father lying on top of her, she asked herself whether such a thing had really happened.

During the first four police interrogations Elvira had no recollections of any of those crimes for which her father was soon afterwards convicted.

A different kind of temporal relations is that we can follow how Elvira's sham-recollections develop gradually over time. The early versions contain the typical misunderstandings of narratives concerned with things that are outside the narrator's world of experience. Elvira presented several *non-sexual* versions of the bedside event, before she has learned the "correct" version. She does the same with the consolation assault.

Mollbeck fabricated that Elvira had been hired out as a prostitute *in sex clubs*. In the beginning Elvira misunderstood this and said that in *The Club of Deaf People* there are lots of guys who rape her. I cannot see how we can escape the conclusion that the police officer was aware that Elvira did not tell the truth – and that she was equally aware of how to achieve a false conviction. She therefore

carefully abstained from asking questions about who those deaf men were who had raped Elvira (e.g. so that they could be tried and convicted).

Things went so far that Elvira stated that the version she had told Mollbeck was not true, and she asked the police officer if she could accept accounts that were not true. And then Elvira recounted the same false story that she had told Mollbeck.

The police officer carefully abstained from asking *what person* had decided that this account was not true; and likewise from asking *in what respects* it was not true; and *what different circumstances* were true instead.

Since Mollbeck had invented the sexual events, Elvira's account could only have been false because it did not agree sufficiently closely with Mollbeck's fabrication. –Mollbeck should have been interrogated about the nature of the training session.

When Elvira stated that it was quite possible that the sexual assaults did not occur at all, the police officer applied a number of indefensible techniques in order to force her back into the role of an abuse victim.

The Mollbeck intervention pattern too is concerned with temporal relations. But this pattern is less easy to detect merely by juxtaposing and comparison. A special eye or a special gaze is needed. The crucial information is that important things will happen repeatedly when Mollbeck intervenes. On 1992-03-19 Elvira visited the general practitioner in the company of Mollbeck because of an entirely non-sexual ailment. Until this visit the general practitioner had entertained no suspicion that Elvira might have been sexually abused. But on the very next day she reported to the social services that both Elvira and Ingrid had probably been abused.

Here I shall list a few additional phenomena that it might be worth looking for, and which are connected to the temporal relations to a greater or lesser extent. We could look for turning points in the sequence of events, or for leaps, or for recurring patterns.

On 1992-04-22 Mollbeck met two social workers and communicated mendacious stories about what Elvira had allegedly told her (including the bedside event). From then on the social services firmly suspected sexual abuse.

Mollbeck's exact formulations were not audio-recorded. But she has said the same things to several persons or groups of persons. Unless we imagined that all of them had misunderstood her in exactly the same way, we can safely take for granted that she had really stated those things about sexual assaults by the father, which Elvira would later tell.

On 1992-06-11 Mollbeck followed Elvira to her incest therapist and was present during the entire session. This was the first documented occasion when Elvira accused her mother of also having abused her. In chapter 10 we saw that Mollbeck had fabricated all the accusations. It is therefore hard to doubt that the purpose of her presence was to ensure that Elvira delivered the right allegation.

Here I shall point out a serious error made by the therapist. Any responsible clinician knows that in some cases there is nothing wrong with the person who is referred for therapy. Instead there is something wrong with person who has referred him or her.

I once took a patient to a behaviour therapy clinic. I was treated in an off-hand way and was basically rejected. This is the correct approach. A clinician should in such a situation clearly demonstrate that he or she is not an ally of MS. The patient should feel free to say: “I do not think I need therapy, but this MS kept nagging about it.”

In chapter 40 we shall examine some circumstances of the case of the girl with the phenomenal memory. During her testimony the psychiatrist involved in this case asked a rhetoric question: should she doubt a mother who had repeatedly complained about her daughter’s lack of discipline? – The only correct answer is that such doubt should *always* be raised, even *as a matter of routine,* and the doubt should be maintained until it has been refuted by the facts.

Chapter 38
The Sudden Emergence of New Categories of Evidence

For as long as psychoanalysis has existed, most psychoanalysts paid lip service to the idea that the psychoanalytic treatment will result in the recall of hitherto repressed childhood events, which were causally responsible for their ailments at adults. In psychoanalytic writings we find formulations like the following ones. Ideally the patient should recall the causal events. But "sometimes" [!!] psychoanalysts must be satisfied with less than that, viz. that the psychoanalyst "recalls in place of the patient" (that is, that he constructs interpretations of what the patient had allegedly experienced), and that the patient will eventually come to believe in these interpretations. Such beliefs may be as effective as complete recall. And when the patient has terminated the psychoanalytic treatment, he will be in the possession of his true biography.

Psychoanalysts have never bothered about contradictions, so we can also find the opposite assertion, viz. that mere belief in interpretations will have no therapeutic effect. But no matter what psychoanalysts said or wrote, they were satisfied if the patient gave verbal assent to the interpretations. They never requested that the patient should *recall* any causal event.

Freud's three seduction papers were published in 1896. In the third one he claimed to have cured 18 patients of all their symptoms, by enabling them to truly recall those causal events that they had experienced at the age of 2-4.

We know from many sources that the patients did not recall any events, and that none of them were cured. In this chapter, however, we shall foremost examine certain other features. Freud soon retracted his seduction theory, and until 1960 his followers agreed that it was merely a youthful aberration. There is a single exception. Around 1930 two and only two psychoanalysts (Sandor Ferenczi and Elizabeth Severn) applied Freud's three "seduction papers". But there is no indication that Ferenczi's and Severn's patients recalled any events. They merely came to believe in the interpretations.

It is widely believed that Alice Miller and Jeffrey Masson initiated the new admiration of Freud's seduction papers, including the idea that his early patients had really been sexually seduced. But this is by no means true. I do not know what was the earliest paper, but the oldest paper I have found so far is "The Parents as Sphinx" by Leonard Shengold (1963) – which is almost twenty years older. However, Miller and Masson are responsible for the fact that the "new" idea became a world-wide movement.

When did the sexual abuse craze reach Sweden? The psychiatrist Elisabeth Bosaeus, not a pseudonym) testified in the case of the girl with the phenomenal memory in 1988 (cf. chapter 40). She claimed to have 30 years of clinical experience. But prior to 1981 she had hardly seen any cases of sexual abuse prior to 1981. However, in that year she had learned from the United States that sexual abuse is common.

Bosaeus's temporal information is in agreement with my general impression. And to confirm the exact year is not sufficiently important for justifying the amount of labour that would be needed for this task.

But in the 1980s the temporal and causal relations between (a) the abuse craze, (b) the new admiration for the seduction papers, and (c) recovered memory therapy, was not clear. Miller's and Masson's books led to a world-wide debate, both among scholars and among laypeople. Everyone involved in the debate agreed that Freud's early patients had told him about sexual assaults at their own initiative (although the three seduction papers made it perfectly clear that Freud was the one who had invented the seduction explanation, and that the patients denied having had any such experiences). There was only disagreement in one single respect: whether Freud was gullible when he in the beginning believed his patients' accounts, or whether he was a coward when he later rejected their accounts as fantasies.

When it became a widespread view that sexual abuse is a frequent occurrence, a large number of people were tried and convicted, even in Sweden. And "sexual abuse symptoms" were repeatedly invoked as evidence.

Whatever the reason, prior to the 1990s I have not encountered any legal case in Sweden, in which therapeutic recollections had emerged. Nor have I encountered any legal cases in which Freud's seduction papers were invoked.

In 1973 the American psychoanalyst Anny Katan published an article entitled the title *Children who were raped*. We shall return to her in chapter 40. What is important here, though, is that Katan applied Freud's seduction papers and explained the symptoms in her adult patients as the effect of sexual experiences during preschool age. Nevertheless, Katan was also satisfied if her patients *believed* in her interpretations. She did not request them to recall the postulated experiences.

In other words, the fact that Freud's seduction theory had come into favour again, did neither immediately nor by itself lead to recovered memory therapy. I cannot supply any exact temporal information as to when the practice of indoctrinating memories instead of indoctrinating interpretations, started.

However, when the *False Memory Syndrome Foundation* was established in 1992, and when Stephanie Salter & Carol Ness & Elizabeth Godley wrote their many long articles in the *San Francisco Examiner*, April 4-9, 1993, 12,000 families had experienced one member who had accused some of the others of assaults, which had been pseudo-recalled in therapy.

In Sweden, during the 1980s, I learned about a few cases in which hitherto repressed events of sexual abuse had been recalled during psychotherapy. But none of these reached the courts. As late as in 1990 Larseric Bergqvist & Ulla Rydå published a booklet about a group of recalling patients. Even at that time none of the patients had their recollections examined by a court.

In the booklet there is a chapter called "Confrontation". But this chapter is not about patients who met the alleged perpetrator and accused him of what he had supposedly done. Instead it is about "transference reactions" toward the therapists, and in particular toward Ulla Rydå, because she is a woman. The patients were

allegedly indignant toward their mothers, because these had not protected them against assaults perpetrated by their fathers.

Prior to the 1990s I have not found any recovered memory case in Sweden that had resulted in a trial. But whatever may have been the true year in different countries, there must be few judges in any North-European or Anglo-Saxon country, who were not aware that the phenomenon of recalling events of sexual abuse (or other criminal events) after many years or decades of "repression", was a very recent phenomenon.

Some attention should be paid to the question whether real occurrences could have emerged so suddenly.

Many judges must also have noticed that the proponents of the "theory" of sexual abuse did not invoke *new methods* for disclosing the existence of *repressed memories*. Neither did they invoke *new therapeutic techniques for lifting repression*.

Elvira repeatedly states that this or that recollection has emerged recently. And she often claims that she does not yet recall certain things, but she promises that she will recall them at a later date. She will go home and train in the task of recalling them.

It does not matter how unaware judges are of psychological and psychiatric matters, they cannot have been blind to the fact that these new "theories" run counter to all previous ideas about the function of human memory. And it should be the duty of judges to perform some kind of test to reveal whether the theories have empirical support.

Would it be a satisfactory solution to appoint an expert? Definitely not. Scharnberg (1996) has documented many cases of perjury committed by expert witnesses.

In January 20 and 22 1994 Swedish Television showed a documentary about the Little Rascals trial in North Carolina (*TV: Innocence Lost: The Verdict*). On the second of these days the documentary was immediately followed by a long debate as to whether things were equally bad in Sweden. (*TV: Kan vi lita på våra domstolar?*) Both the documentary and the debate aroused an unusual amount of attention, and the debate was continued in the newspapers.

I feel myself unable to believe that the five judges of the court of appeal, who handled the case of Elvira one month later, had not seen these television programmes, or even heard about them, or had not directly or indirectly learned from them about the existence of the false memory syndrome.

Nor can all of them have been ignorant of the fact that the daughter of the defendant in the Umeå case (which we shall resume in chapter 47) suffered from pseudo-memories of sexual abuse, which had been indoctrinated by a team of psychiatrists.

I can therefore find no excuse for the fact that these judges did not take therapeutic indoctrination into account, not even as a theoretical possibility.

One expert had clearly grasped that this was a RMT/FMS case, viz. Astrid Holgerson (not a pseudonym), the head of *The Witness Psychological Laboratory* at Stockholm University. But she was forbidden to state this important fact in court.

Such a prohibition was a most unusual decision in Sweden. It may have been motivated by the correct insight of the chairman of the court (Bengt G. Nilsson, not a pseudonym) that it would be difficult to convict Oswald, unless the most important part of the evidence was concealed.

One of the five judges (Ulf Karlholm, not a pseudonym) voted in favour of convicting Oswald of having hired out Elvira as a prostitute in sex clubs, and for convicting Helena of having sexually abused Elvira. He also wrote in his addendum that Astrid Holgerson was incompetent, because she had not seen a difference in trustworthiness between Elvira's sexual allegations and her murder allegations.

As stated above I have been unable to find any Swedish case prior to 1994 in which posttraumatic stress disorder (PTSD) was attributed to the injured party in a sexual abuse case. The profession of Swedish judges can hardly have been ignorant of this fact. And it is an absurd idea that nine out of ten testifying clinicians, two of whom had given Elvira psychotherapy for years, had not discovered that she suffered from PTSD, if she really did so. In addition, during the four previous sets of proceedings concerning Oswald and Helena in 1992 and 1993, PTSD was not even mentioned.

It is also an absurd idea that a teenager suffering from PTSD would go to school, associate with long-term friends at her own age, sometimes visit the homes of her friends; and yet nobody would discover such a serious syndrome. Note also that the general practitioner who had treated both sisters for years, had for some time suspected that *Ingrid but not Elvira* had been sexually abused.

Moreover, the judges cannot have been unaware of the fact that PTSD is not listed as a possible effect of sexual abuse in any of the books on such effects that had been published in Sweden by *The National Board of Health and Welfare*, *the Police*, and *Save the Children*.

Another sudden novelty is that of multiple personality disorder (MPD), a syndrome that was not invoked in the case of Elvira. Between 1920 and 1971 the medical literature contains a total of 12 cases. During the 1980s more than 20,000 patients have been given this diagnosis (Salter & Ness & Godley, 1993).

A further entity that suddenly developed in the 1970s was "abuse symptoms". One category consists of unspecific symptoms such as headache, stomach-ache, etc.). This category of symptoms may accompany a large number of highly discrepant diseases. They may also arise without any detectable cause. The second category is based on the principle that the cause is similar to the effect. Hence, constipation is caused by anal abuse. And aversion towards soured milk is caused by oral sex (Dahlström-Lannes, 1990:64).

Common to both categories was that prior to 1970 hardly anyone had got the idea that such ailments were sexual abuse symptoms.

A large number of innocent individuals in many countries have been tried and convicted on the basis of PTSD, MPD, abuse symptoms, or indoctrinated pseudo-recollections.

Arthur Janov was primarily re-known because of his "the primal scream" theory, which was postulated to cure neuroses. Allen Esterson examined the retroactive change of Janov's view. The 1970 edition of Janov's book *The Primal*

Scream comprises 451 pages. In this book there is one single reference to sexual abuse in childhood. This event was recalled by a psychotic woman, but not until she had had 20 primal scream sessions.

> "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-38:1]

Likewise in the 1972 edition of Janov's book, which still had the same title, there is only one single reference, and the latter is merely hypothetical.

But in 1991 *The New Primal Scream* was published. *Note the year!* And on p. 302 Janov writes: "I have treated a great number of incest victims."

Wakefield & Underwager (1994) have also documented instances of psychiatrists whose clinical experience had changed *retroactively*.

The Franklin case has been effectively analysed by many objective investigators; inter alia, Crews (1995, 2006), MacLean (1993), Ofshe & Watters (1994), Pendergrast (1996), Wakefield & Underwager (1994).

I cannot abstain from saying a few words about *Unchained Memories* by Terr (1994). This book differs markedly from the others. Her testimony was a commissioned work for the prosecutor, and it agreed neither with the indisputable facts of the case, nor with the theories Terr had adhered to, until a prosecutor was in need of a device for explaining away a lot of conspicuous facts. A clear survey is provided by Crews:

> [Lenore Terr's] "studies of children who had lived through the notorious Chowchilla bus kidnapping and the *Challenger* explosion had shown unambiguously that such experiences do not get repressed. Why, then, should the jury believe that Eileen Lipsker had repressed her harrowing ordeal? Just in time for the trial but too late for prior publication, Terr came up with a face-saving theory. True, she granted, one-time trauma victims always remember the event; but victims of multiple traumas like Eileen Lipsker, whose father had been a bullying drunk and a sexual abuser of two of his other daughters, turn repression into a daily routine. By the time of the murder, according to Terr, Eileen had become an old hand at stuffing bad memories into the mental freezer.
>
> Terr's brainstorm was remarkable in several respects. For one thing, it overlooked the fact, later acknowledged in *Unchained Memories*, that Eileen had always remembered her father's violence around the house (Terr, p. 11). Second, it contradicted universal human experience of protracted duress. Has anyone past the age of, say, six who has survived racial persecution, a famine, a bombing campaign, or a brutal enemy occupation ever forgotten that it occurred? […] And third, Terr was refusing to grant any distinction in memorability between George Franklin's usual brutality and the witnessed rape and murder of Eileen's best girl friend." (Crews, 1995:173f.)
> [Q-38:2]

Other books of great relevance are *Therapy's Delusions* by Watters & Ofshe (1999), and *Remembering Trauma* by Richard J. McNally (2003).

Chapter 39
Additional Varieties of Temporal Relations

Sometimes it can be of vital importance to ask on what day of the week an event had supposedly occurred. The alibi case (chapter 27) is a good example. Of course, fallible recollections after a long period would not often prove much. But Betsy's recollections were tested within days and weeks.

In *the underground case* the mother said that, when Vessela was 4-6 months old, the father had repeatedly and in the mother's presence threatened to perform sexual intercourse with the baby. Despite this story, the mother also said that she could give no reason for her feeling that Vessela had been abused when she was 5 years old. Indeed, the mother did not even suspect the father of sexual abuse when Vessela lived with him for 7-9 months immediately after the divorce.

A dangerous variant of temporal relations occurs when a judge interrupts the cross examination of a witness. In the fortune-teller case the judge who was the chairman of the court did acquit the defendant. It was nevertheless his fault that the three lay judges voted for conviction. The psychiatrist who was also Malvina's psychotherapist committed perjury. He did retract his false information, when the defence counsel threatened to report him for perjury. But because of the interference of the chairman, none of the lay judges detected this retraction despite its length and its clear content.

Moreover, when she was questioned, the social worker realised that she had made a serious mistake in her affidavit [though in good faith according to my assessment]. She was on the wedge of correcting this piece of faulty information, when the judge forbade further comments on this topic.

Concerning temporal relations I shall also point out the strange function of March 1st in the morphological case. Originally Inga-Lisa told to the police that the sexual abuse stopped on this date. When later reminded of it by the police officer, she thought at first that she had made a mistake about the date. But later she recalled that something else happened on March 1st. Her stepfather had called her friend "Damned moron!" The girls had considered whether to report this to the police, because Inga-Lisa wanted to "Hit back".

It is curious that no police officer, prosecutor or judge noticed anything strange about this inclusion in the abuse narrative about a date that clearly belonged to a completely different pattern of events.

The reader may for him- or herself juxtapose and scrutinise many other temporal relations in the above brief summaries of other cases included in chapter 27-35.

But one pattern which was mentioned in chapter 35, needs to be repeated here, together with the fact that many judges will repeatedly encounter it. *The child was in excellent health during the period when sexual abuse (allegedly) occurred. But the child got manifestly ill when sexual abuse (allegedly) stopped.* This pattern

is particularly prominent in the Californian McMartin Case, the Elvira case, the above mentioned virus case, and in many others.

I take for granted that few readers will criticise me for not having provided an exhaustive analysis of the evidence of *the Danish Vadstrupgård case*. Like the United States, Denmark is a country in which the rights of defence counsels are curtailed in so many ways that a first-rate defence is often impossible.

It is a well-known pattern in many countries that a preschool teacher can be convicted of physically impossible acts because of a mass media craze, rather than on the strength of legal evidence. This was what happened to a teacher at a preschool in Vadstrupgård. Some critical analyses of this case have been published, notably Blädel (1999) and Held (2006). But Rantorp (2000) was also occasioned by this trial, and her book reveals that the labour union of which the convicted man was a member supported him and the facts, rather than the prejudices of the case.

However, the legal system in Denmark is very secretive. The personnel at the preschool knew which teacher was convicted. But the personnel never learned what children had [allegedly] been abused. They have publicly regretted that, because they thought that if they had known it, they might give these children some specific help.

At the very same time the parents of those children who were supposed to have been abused, asserted that they had repeatedly complained to the preschool about signs of sexual abuse (e.g., red and swollen anuses).

This is a unique feature, which I have so far only encountered in the Vadstrupgård case. If the parents had continually complained about exactly those children, then it is impossible for the staff to remain ignorant of the identity of the children who were classified as abuse victims.

It would rather seem as if the parents had in retrospect changed their recollections of what had happened, just like Arthur Janow in the preceding chapter.

Chapter 40
Temporal Relations and Other Patterns in the Case of the Girl With the Phenomenal Memory

What Scharnberg (1996) called *The Case of the Girl with a Phenomenal Memory* is too comprehensive for a brief summary. What will be presented here is a limited sample of the facts.

The family were *Jehovah's Witnesses*. When Violet was 17 her father abandoned the family for a younger woman. This was a deadly sin according to the congregation. But since it is not punishable according to Swedish law, his wife got the idea of having him punished for sexual abuse. Violet may or may not have been as eager as her mother; we shall never find out. Be that as it may, Violet went to the police and reported her father. But she could not tell any details. For instance, what kinds of actions had he done? At what time? How often? Here are two excerpts from the first police interrogations:

> "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-401:1]

> [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'm 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-40:2]

There is a special reason why Violet's inability is particularly astonishing. In January 1985 one of Violet's schoolmates, 14-year-old Muriel, shot both her parents. Despite the large geographic distance between the town of Muriel (and Violet) and the work place of police officer Monica Dahlström-Lannes (not a pseudonym), the latter managed to become the head of the investigation. She made it clear to the girl that she would escape any sanctions, if her father had sexually abused her, and if her mother had knowingly tolerated it, and if these circumstances were her motive for shooting her parents.

By means of this strategy Dahlström-Lannes managed to get intensive and nation-wide attention, both to the case and to the subject of sexual abuse. Her exploitation was almost the start of the witch craze in Sweden.

Muriel's and Violet's school devoted an enormous amount of time to warning all their pupils of these things. Many meetings were held for the entire school and in each individual class. Police officers and other professionals were

engaged, even from faraway areas. The school welfare officer had a private talk with each pupil.

Most families in the town talked very much about the incident. It is known that Violet's family did so, and that her father said that such fathers should have their c- cut off. (But isn't it strange that no one at a later time asked Violet what she thought when her father said that?)

After the above-mentioned police interrogation there was an overwhelming risk that there would be no trial at all. To prevent this outcome someone wrote a short-story about what Violet had allegedly experienced. *One section of the story was borrowed word-by-word from a TV program ([TV] Studio S: En skam utan like), which was broadcast on Swedish television, channel 1 on 1982-03-02*. It is obvious that such a circumstance could not have been found in a narrative of any genuine incest victim. It has been conclusively proved that the short-story was not written by Violet. There are strong probability reasons but no full certainty, that the author was Violet's mother.

But here Violet and her associates made a mistake. At the training sessions Violet would memorise *the very verbal formulations*, in the same way in which a theatre actress will learn the lines of a manuscript by heart. As a consequence, the long monologues with which she started her testimony in the district court and the court of appeal were almost identical. She had even memorised the same slips of tongue.

In the district court the monologue comprised 2481 words. However, the two monologues were not completely identical, and it is worthwhile to take a close look at some of the differences.

The entire monologue can be divided into paragraphs, each of which is concerned with the same topic.

But then something occurred that had not been planned. After having delivered one of the paragraphs Violet spontaneously added a few trivial words. But in doing so, she broke the connection to the next paragraph. And then she reacted like an actor on the stage who had forgotten the next line. She stopped, made pauses, filled out with words or the first syllable of words, while she was searching her memory for the next step:

> "And [**a pause of 3 seconds**] in [**a pause of 4 seconds**] he cae-, he always [etc.] [Q-40:3]

But eventually she found another and somewhat later paragraph, and then proceeded fluently after having skipped the intervening paragraphs.

Pauses constitute a specific temporal relation. Sometimes very important information can be extracted by paying close attention to the pauses.

If Violet had really had a phenomenal memory, it would have been necessary to refute an alternative hypothesis, viz. that her monologue in the district court was a spontaneous production, and that it was repeated (almost) word by word in the court of appeal because of some automatic mechanism. – But even if we leave out of the excerpts from the first police interrogation, it remains a fact that

during the subsequent cross examination in the court of appeal Violet was unable to answer any question for which she had not prepared the answer in advance. Any genuine incest victim would have had access to authentic recollections, and could not have shown such a pervasive absence of information.

Furthermore, during her long monologues Violet recounted that she was constantly afraid of her father (who was no longer living with the family). She incessantly turned round in the street because she felt that he might be just behind her.

Now take a look at the two excerpts from the first police interrogation. Who is capable of imagining that Violet on her walk to the police station incessantly turned round because she feared that her father was just behind her?

Another slip of tongue (or rather slip of mind) was definitely not planned. It would be logical if Violet or her father had before the assaults arranged the Venetian blinds so that no one could see what happened from the outside. But it should be noted here, that in the Swedish language the substitution of the definite article with an indefinite pronoun will radically change the meaning of the verb. “I always ARRANGED *the* Venetian blinds”. This sentence in the district court changed in the court of appeal into “I always PROCURED *some* Venetian blinds.” This is not the kind of slip that would have occurred in a girl who presented authentic recollections. *But it is natural for a girl who, when learning by heart a monologue written by someone else, had primarily focused on the verbal formulations, and not on the meaning of the sentences.*

In November 1984 Violet decided to be baptised. According to her later narrative, her father had promised not to abuse her any more after she was baptised. And he kept his promise for three months. Nevertheless, she did not have the least recollection of the first time he broke his promise, nor of any feature of this event.

Jehovah’s Witnesses is an intolerant community. The Elders might have doubted Violet’s sincerity, if she had almost directly gone from the baptism to her father’s bed. Because of this reason she would hardly have any other choice than to postulate a period of freedom from abuse around the time of her baptism.

Note that Muriel’s double murder occurred during this three-month-interval. A whole town of 30,000 inhabitants knew more or less who Muriel was. During this period Violet had learned that sexual abuse was so harmful that it could cause a 14-year-old girl to kill both her parents. During these three months she had hoped that the abuse had stopped. This is why the first break of her father’s promise must have been felt in an entirely new way.

None of the judges of the district court in this town could have been ignorant of the immense activity at Violet’s and Muriel’s school. Despite this comprehensive background knowledge, they accepted at face value Violet’s testimony that she had never been concerned with incest in any other context than her father’s abuse.

The above mentioned psychiatrist Elisabeth Bosaeus testified in the court of appeal that Violet had told the truth. She also presented the list of incest symptoms compiled by Mrazek & Mrazek (1981). But even if all Violet’s alleged symptoms are taken at face value, 94 % of the symptoms of Mrazek & Mrazek’s table are

missing in Violet, while 42-75 % of Violet's symptoms are missing in the tables (depending on how we prefer to categorise them). – (In chapter 22 we saw that the same technique was applied by psychiatrist Kåreland, who also attached a list of criteria as an appendix and, I think, calculated that the judges would not detect the discrepancy between the appendix and the main text.)

In view of her superficial contact with Violet, the psychiatrist could not know if Violet really had nightmares, or if she merely said she did. Whatever the truth is in this case, the entire pattern of symptoms is so trivial that it could be found in innumerable diseases.

In 1988 the psychiatrist testified in the court of appeal that prior to 1981 she had encountered few if any sexual abuse cases. But in this year she had learned from the United States that sexual abuse is very common. She never said that she had learned anything about how to diagnose such cases. I myself have checked a large number of writings from this period, and it is flagrant that they give no guidance whatsoever in individual cases. Moreover, the pattern of Violet's symptoms is so ordinary that this psychiatrist must have encountered numerous teenagers with the same symptoms. If she prior to 1981 had interpreted these symptoms as deriving from other causes than sexual abuse, then she must have made erroneous interpretations during 23 years out of the 30 years of her clinical experience. A psychiatrist who has made false assessment over a period of 23 years should not be considered trustworthy 7 years later. – – But as far as I can see, the court of appeal counted her entire 30 years of clinical experience as a reason for believing in her current assessment.

Behavioural scientists are not strongly inclined to check quotations or accounts. But Scharnberg (1996, vol. I, chapter 46-48) checked half the sources invoked by Mrazek & Mrazek (1981). It turned out that it was often wild speculation that the patients had been sexually abused. And often the symptoms "quoted" by Mrazek & Mrazek were not attributed to them in the original writings.

One example. Allegedly Anny Katan (1973) is reported to have found that some mothers had permitted their husband to abuse their own children. And the cause for this was that they had themselves been sexually abused during childhood.

It then comes as a surprise that the abuse described by Katan solely consisted of the fact that the father would take a bath naked together with the couple's three-year-old daughter. Besides, the danger was not that the father might become sexually aroused at the sight of the naked little girl. The risk was that the daughter might become sexually aroused at the sight of the father. Katan believes that girls at this age masturbate while having fantasies of castrating the father.

To *take in* (=accept) interpretations is in Katan's view akin to *taking in* food. Hence, the fact that it was difficult to force this patient to believe that she had been sexually abused while at preschool age, proved that the abuse had included *oral* sex.

Chapter 41
Some Surprising Comments Made by the Former President of the Supreme Court

At the time in question there were around 25 judges at the Supreme Court of Sweden, and 5 of these would be selected by a lottery for each oral case. The rules for deciding written cases are a little more complex, but not essentially different. No president is ever elected or selected. The judge who had served at this court for the longest time will automatically become the president. (And he will retire when he has reached the age decided by the parliament for the general population.)

Judges of all courts seem to have an uncanny incapacity for discovering those internal and external relations between the pieces of the evidence that I have disclosed and explored in the preceding chapter. I feel somewhat uncomfortable when they even boast of this incapacity.

In his short paper on legal evidence evaluation Torkel Gregow (1996) comments upon my analysis of the accounts of the girl with the phenomenal memory. *According to Gregow's distortion I had argued that Violet was lying because she presented "the same information" to the district court and to the court of appeal.*

Which of the following alternatives would be most frightening? (a) President Gregow tries to compromise me by attributing an idiotic argument to me. (b) The president is unable to perceive any non-trivial difference between my argument and his own distortion of it.

There are further perplexing statements in Gregow's paper. In one fell swoop he attacks many defence experts because they often point out contradictions and other flaws in the narratives of the injured party that are presented on different occasions. Gregow states that the verdict should exclusively be based on the evidence presented during the court proceedings.

Surprisingly he states in the very same paper that it constitutes a reason to believe that the injured party had told the truth, if the versions she presented on different occasions agree with each other.

If both statements are combined, they could hardly yield more than one conclusion: It is legitimate to compare different versions, if the purpose is to establish that the defendant is guilty, but it is illegitimate, if the purpose is to establish that he is innocent.

We may now ask whether the other judges of the Supreme Court agree with Gregow's claim that the verdict should exclusively be based on the evidence presented in the court? Is there any hard evidence concerning this question?

In *the masturbation case* two boys had masturbated together. Some years later one of them claimed to have been harmed by this activity. Since both were underage at the time of the act, the defendant could not be punished. The prosecutor instead tried to have him sentenced to give damages. He was acquitted by the district court. But then the prosecutor found a psychiatrist who was prepared to

commit perjury. The psychiatrist testified that the injured party suffered from post-traumatic stress disorder, and that this is a frequent effect of sexual abuse.

Both boys agree about the 12 places in which they had masturbated. The psychiatrist was completely ignorant about 9 of them, and mixes up the remaining 3. A typical line from his testimony: *"Hm, yes, a tunnel, well some kind of a construction or refurbishment site, I have a faint memory of this."*

He did not know that the "injured" party had had all his behavioural peculiarities since preschool age. His only evidence in support of the fact that the "injured" boy avoided a certain place because it was associated with painful memories, was that the boy had said so. – In actual fact it would not be difficult to find numerous witnesses who could testify that the boys did not avoid these places at all.

Despite these flaws of the main expert's argumentation, the defendant was convicted with a majority of 4-1.

Then the defendant engaged another counsel. The case was accepted for oral proceedings at the Supreme Court, since the new counsel could prove that the court of appeal had transgressed the rules of *The European Union* for a fair trial.

But the Supreme Court also decided that the defence would not be permitted to present any evidence that had not already been presented in the court of appeal. In particular, the defence was not permitted to call another expert to prove that the prosecutor's psychiatrist had not made the correct diagnosis and had committed perjury; nor was he allowed to call the school and preschool teachers of the injured party, who knew that his hyper-aggressive temper was manifest already during preschool age.

The defendant was convicted by the Supreme Court, also by a majority of 4-1.

Now comes a vital point. The justificatory reason for the conviction was a petty detail which the judge referee (who has no vote) had found in one of the police interrogations of the defendant. This detail had not at all been mentioned during the proceedings in the Supreme Court, and almost certainly not in either of the lower courts. Another bewildering circumstance is that it is impossible to gather from the written judgement how this detail is supposed to prove the guilt of the defendant.

While former president Gregow had claimed that the verdict and the sentence should exclusively be based on the evidence presented during the oral proceedings, none of the 4 judges who convicted the defendant in the masturbation case saw any obstacle to basing the conviction on a statement in a police interrogation.

Chapter 42
Contradictions and Inconsistencies in the Case of Elvira

All the judges involved in the trials of Oswald and Helena have proven an astonishingly low capacity for comparing different pieces of the evidence and, as a consequence, for detecting factual, logical or psychological inconsistencies and contradictions.

At the end of the proceedings of the trial of Oswald and Helena in the court of appeal in 1994 an audio-tape was played, which was made especially for this trial. Elvira told how awful she felt when people did not believe in her allegations.

However, in 1994 as well as during previous proceedings, it had constituted a problem for the prosecutor, for the judges, and all expert witnesses except one, that all the information provided by Elvira had turned out to be false – with the sole exception of such evidence whose truth-value had not been tested at all. Elvira had pointed out graves where no one had dug since the Ice Age. And she was unable to find any sex clubs or apartments.

During the four earlier sets of proceedings she had more or less admitted her inability to find such places. However, during the proceedings in 1994 she provided a new explanation, which is described in the following excerpt from the judgement (p. 37, italics added). Elvira stated *"that she thinks she can find the houses in which the assaults were supposed to have occurred* […] *but that she is not willing to do so or does not dare to do so, because then she would obtain final verification that her recollections are true."*

This is a typical example of a kind of evidence that judges should definitely compare, even if they are not in the possession of any specific technique for comparison. Elvira claimed, on the one hand, that it was extremely important to her that other people should believe in her allegations. And she claimed, on the other hand, that she herself was not sure that these events had happened.

According to her narratives she had been abused by both her parents and by many other men and women. She had experienced genital, oral and anal sex, both at home, in sex clubs, and in the customers' own apartments. These experiences had occurred continually for some 5-10 years. It is almost a miracle that these numerous events left no certainty that they were anything else than fantasies – while a single look in one of the apartments would convince Elvira of the fact that her recollections were true.

The same pattern is found in the case of Inga-Lisa, who had allegedly been abused continually for 8½ years. These experiences did not prevent her from thinking that she might have dreamt all the assaults. By contrast, one tiny event did convince her of the reality of the abuse. She was reading a book; her stepfather said he would like to see her naked; and at the precise moment one of her schoolmates rang the doorbell.

If both parents had participated in the Lucia assault next to each other, how could Elvira merely *believe* that the mother was aware of the father's abuse? And if

Elvira had procured young boys for her father, how could she merely *believe* that he also abused other children?

Twice we have encountered the perplexing idea that Helena had abused Elvira, and had willingly paid for her psychotherapy – although Helena cannot have overlooked the immense risk that Elvira would tell her therapist about the abuse.

Chapter 43
Contradictions and Inconsistencies in Other Cases

In the case of Elvira 27 judges returned their verdicts. The judges were more or less selected at random. There can thus be no question of "generalisation from the one single instance".

It could, however, be instructive to juxtapose and compare evidence collected in other cases in which the judges have also overlooked inconsistencies. And it is no bold hypothesis that they did so because they were not capable of disclosing which facts were relevant, and which had great evidential power, sometimes in themselves and sometimes when juxtaposed and compared.

How could any judge be blind to the incompetence and megalomania of Betsy's psychiatrist? How could five judges out of nine believe in Malvina's account, when it was a notorious fortune-teller who "unearthed" the kind of abuse she had experienced? How could very single judge overlook the glaring discrepancy between what Vessela's psychologist wrote on p. 1 and p. 2 of her affidavit? And if the father had threatened to rape 4-6-month-old Vessela in her mother's presence, why could the mother in February 1989 give no reason for her "feeling" that the father was abusing her when she was living with him at the age of 5? Why were they unable to perceive the contradictory testimony of the pseudo-witness-psychologist who, on the one hand, claimed that Graziella's abuse version in contrast to her retraction version was free from contradictions, while she, on the other hand, used the major part of her testimony to explain away the many and large contradiction of the abuse version?

Erna asserted that she had been abused when she was 14, that is, *after* the period when day care was provided by Dag's wife. It was a brutal police officer who suggested that she had *in addition* been abused at an earlier time.

In the case of the lost spermatozoa WW gave 10 mm and KK gave 4 mm as the largest possible measure of the vaginal orifice in non-abused children. Moreover, KK testified that the father had made a complete intromission. But when WW testified that the father had masturbated outside the vagina, KK immediately retracted her own version.

At first WW denied that Vanessa's anal symptoms could have been caused by constipation. A short while later she suggested that anal sex practiced by the father could have caused constipation, and that constipation had in turn caused the anal symptoms.

Note however that the only evidence of anal sex was the anal symptoms. Hence all evidence of anal sex will vanish under WW's new construction.

Can any person of a sound mind imagine that Violet had incessantly turned round because of fear that her father might be right behind her, when she was walking between her home and the police station, and then delivered to the police the information (or rather lack of information) described in chapter 40?

Many judges would say that it is of no importance which of the three explanations for why the American laboratory had not made a DNA analysis, is true. Neither the verdict nor the sentence would depend on this issue. But this is an inappropriate attitude to take. If the prosecutor cannot provide the truth in such a matter, there is strong reason to suspect that this is not the only flaw of the police investigation.

Chapter 44
A Contrary Book About the Elvira Case

Up to now I have taken much trouble to protect the anonymity of the persons involved. It appears that my labour was wasted, because when my manuscript was almost finished, Elvira's foster mother Birgitta Allmo (2008) published another book about the Södertälje case, whose title means *"Who Dares Believe a Child?"*. Allmo openly reveals that she is Fanny Mollbeck. And on the basis of this information more than 100,000 persons will immediately know the real identity of Elvira (called "Saga" in Allmo's book).

We cannot expect a recovered memory therapist to tell the truth. But a close look at the book might disclose other important information. This theme will be explored in chapter 44-49.

Allmo maintains that all Elvira's accusations are true. She was sexually abused by both parents. She was hired out as a prostitute in sex clubs and in the customers' private apartments. She witnessed ritual child murders associated with cannibalism. She had followed her father to Poland where he had bought children who would be murdered in Stockholm. Elvira had murdered children herself. Two other murderers were a judge of the court of appeal in Stockholm and the latter's daughter. The sect had tried to induce Elvira to murder the judge's daughter, and vice versa – although at the last minute neither of them managed to go through with it.

Allmo thinks that Elvira is still today (16 years later) a dangerous witness, who is at risk of being "filed away" by the sect.

Elvira described anonymous telephone calls in which children screamed in death agony. But these calls immediately stopped when the police bugged her telephone. Nevertheless – and this may well be the most interesting point in Allmo's (2008:184, 195) book – *Allmo states that she had also received the same kind of telephone calls with screaming children.* This information constitutes additional evidence that Allmo/Molbeck was the person who invented and indoctrinated the events recounted by Elvira.

But if Allmo heard these telephone calls in 1993, why didn't she inform the police in 1993?

In chapter 9 we saw that the police drove around Stockholm with Elvira in the hope of finding the sex clubs, the apartments of the customers of the sexual services, and the places of the ritual murders. Allmo (2008:235), who participated in these outings, states that Elvira had definitely pointed out such addresses. In addition, when she recognised these places she was overwhelmed by spells of crying and felt sick.

In this situation I feel obliged to reveal some of the addresses. At Danderydsgatan 20 in Stockholm Elvira recognised the entrance of a sex club. It turned out that there was a bicycle storage room behind the door.

She also recognised Odengatan 104 as a place of ritual child murders. But this is a house with normal apartments, although the luxury old entrance would suggest that the apartments had also more than normal luxury.

Elvira, Ingrid and the mother left the father in September 1991. They participated in the Lucia celebrations on December 13, the same year. According to Allmo (2008:79) Oswald and Helena were not invited, but arrived unexpectedly to this feast. As a result Ingrid started to cry violently.

But in the police interrogation of 1992-05-05 (p. 4, dialog-statement no. 83-88) Ingrid denies that she had seen or talked to her father since September.

Another aspect is even more important. If Ingrid, who had *not* been sexually abused, had cried so much at the sight of her parents, then Elvira's crying would not indicate that she had been abused.

All Oswald's property was inherited by Elvira and Ingrid, including whatever annotations he had made. Allmo claims that her book is to a large extent based on these annotations. Now, Allmo invokes four categories of annotations. First, texts that refer to Oswald's experiences prior to the suspicion of abuse, inter alia his experiences before he immigrated to Sweden. All such texts are manifestly written in Allmo-style, and are completely alien to Oswald's own style. (Since I was his closest friend for 10 years, I am in a position to make such assessments.) I would guess that they consist of what Oswald had told his daughters, and what Elvira had later passed on to Allmo.

The three remaining categories are about the time from the suspicion up until his death. One category is about his experiences in prison (e.g. that the prisoners had to drink tea from and urinate in the same cup). Here no kind of annotations is explicitly invoked. And it would be a matter of routine to find other prisoners who could recount the same kind of experiences. These texts are also in Allmo's style of writing.

A further category. Whenever Allmo invokes *hand-written* annotations, the content is definitely in agreement with Oswald's style and thinking.

The last category consists of texts Oswald allegedly wrote on his computer. Allmo several times quotes formulations such as "while I am writing this on my computer…" But it so happens that when Oswald died I, MS, have in person emptied his computer of literally all information, because I feared that it could otherwise be wrongfully used. This fear turned out to be well founded.

In her book Allmo basically continued the same pursuit she had begun as Elvira's recovered memory therapist. I shall not list all her untruths here. Just a few specimens: Allegedly Oswald had lent pornographic films to his neighbours. And allegedly Elvira said that she had no friend at school; none of the other girls would be her friend.

In actual fact Annette, the judge's daughter, was her closest friend, first at preschool when they were 3-4 years old, and then at school, until Elvira at the age of 16 accused Annette of having murdered children. Annette was interrogated by the police on 1993-01-25. She told that after preschool, and later after school, they would usually go to Elvira's home, because Elvira had to attend to her dog. Together with Ingrid they were "the three musketeers". Annette would often sleep a

night there. Together with Elvira she had also been in *The Deaf Centre* in Stockholm. – And she and Elvira had a secret world based on Tolkien's stories, in which they were two princesses.

Allmo (2008:252) does not quote the affidavit by the court-appointed psychiatrist. Instead she "quotes" Oswald's alleged annotations about the content of the affidavit: "This way of forgetting [the sexual crimes he had committed] is caused by the fact that he does not want to know about these things, because if you don't want to know them, then you will pretend that you have no memory of what you have done."

In this formulation we recognise Freud's theory of repression. But the truth is that not a single sentence in the affidavit is even remotely similar to this alleged annotation.

Chapter 45
Allmo's/Mollbeck's Pretended Non-Influence and Its Historical Roots

Recurrently throughout the book Allmo claims that she had been very careful not to influence Elvira. And Elvira had recounted her narratives entirely on her own.

> [Elvira] "is testing me in many different ways, right into the depth of my mind. All the time she is very vigilant as to whether I would manage to hear, manage to understand, or if I show any sign of wanting to withdraw. […] As a warning she explains: *You would never understand. You don't know what I have experienced.*" (p. 85)
> [Elvira] "begins to recount a little, with infinite pain and despair. She tries very hard to describe things as cautiously and veiled as possible. Gradually I feel forced to realise, with powerlessness and great sorrow, what her words mean." (p. 98)
> [On 1992-03-31 the social services and child psychiatric clinic] "make the assessment that Elvira is actually willing to talk. But her knowledge that it is about incest is an obstacle." (p. 100)
> "Elvira's recollections altogether rush forth here at home, with unspeakable agony and outrage. In order not to disturb the rest of the family, we sometimes walk out into the wood, alone, where Elvira can scream out her torment, 'run amok' and attack trees and tree-stumps, without anybody being upset. […] My role is just to sit on a stone or a tree stump in complete silence." (p. 100)
> "On Monday April 27th […] she feels ready to talk about concrete things." (p. 104)
> [In the police interrogation 1992-04-29] "I say that I have not made an effort to recall everything Elvira had recounted, because I only want to be a sounding board for her." (p. 112)
> [Q-45:1]

Since it has been proved in chapter 10 that Allmo was the person who invented and indoctrinated Elvira's "recollections", the statements about the non-influence cannot be true.

At the present time (2008) the following things have been thoroughly proven by scientific research and by muck racking by reporters; special references should no longer be needed.[1] Recovered memory therapists do not bring back any memories that have hitherto been repressed into the unconscious. Instead they indoctrinate fantasies and, in turn, manipulate the patients to imagine that these fantasies are genuine recollections of authentic experiences. This form of therapy will usually have the side-effect that the patients will become highly neurotic.

In the United States, many of these therapies would give rise to civil suits against the alleged offender, who may be sentenced to pay enormous damages.

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[1] Nevertheless I shall list some important references: Eberle Eberle (1993), Loftus & Ketcham (1994), Ofshe &Watters (1994); Wakefield & Underwager (1994), Yapko (1994), Crews (1995, 1998), Pendergrast (1996), Watters & Ofshe (1999).

Some therapists do not charge a fee per therapeutic session. Instead they charge a certain percentage of the damages later allocated to the patient by a court of law. And the therapists are prepared to commit perjury in court and testify that the patient's memories had emerged spontaneously, and that they were authentic.

In Sweden a patient can only obtain this kind of damages if the alleged offender is convicted in a criminal trial. If the convicted "offender" has no money, a specific public fund may pay the damages in advance to the injured party, and later try to get them back from the offender. This is what happened to Elvira, Oswald and Helena.

Chapter 38 (but also chapter 21) was devoted to the documentation of *the conspicuous recency* of many circumstances and ideas.

During the past hundred years, and still today, every psychoanalytic interpretation is based on *the principle of similarity,* which postulates that *the cause is similar to the effect.* By means of this rule we can disclose the cause of a symptom by finding *or inventing* an event that is similar to the symptom. For instance, Michael suffered from a stiff leg. A leg is oblong like a penis, and it is almost found at "the right place" of the body. And where is a "stiff" penis normally used? In this way Freud deduced that when Michael was 2-4 years old an adult woman had used his foot as a masturbation tool.

It is not an unfounded generalisation that this feature is still today true of *every* interpretation. I have studied such interpretations for half a century, and have published numerous examples from most decades in several books (Scharnberg, 1984, 1993, 1996). Particularly relevant may be my Internet essay *The Seven Corner Stones of Psychoanalytic Methodology* (2008, found at the *International Network of Freud Critics* web site). – Psychoanalysts and any other readers who doubt my generalisation are hereby challenged to find an interpretation that is not based on the principle of similarity.

Resuming the main thread, Alice Miller claimed that her clinical observations are in agreement with Freud's accounts in his seduction papers. Does she mean that her observations agree with the examples quoted above from SE (the Standard Edition)? And does she agree with Freud that sexual abuse after the age of eight cannot produce any psychic harm?

At present worldwide scientific research has proved that Freud's seduction papers constituted pseudo-scientific fraud. Numerous researchers in many countries have published such proofs. Any set of references would be unjust to many who would also deserve to be included. Macmillan (1991, 1997), Esterson (1993), Israëls (1993, 1999), Israëls & Schatzman (1993), Wilcocks (1994, 2000), Crews (1995, 1998), Webster (1995). Concerning the seduction theory the most detailed analysis is provided by Scharnberg (1993).

The primary difference between psychoanalysis and recovered memory therapy is that the psychoanalysts were satisfied if the patients came to *believe* that they had experienced such and such events, and that these constituted the cause of their ailments. They never requested that the patients should *recall* the events. This request is what is new in recovered memory therapy.

Psychoanalysis and recovered memory therapy are identical in two further respects. Both essentially consist in influencing the patients, and both postulate that they carefully avoid influencing the patient.

Freud's own postulations are presented in almost literally the same wordings in 1895, 1896 and 1937, that is, over a period of 42 years (GW-I:300, 441; GW-XVI:48f./SE-II:295, SE-III:205, SE-XXIII:262). I shall quote the last excerpt: "The danger of our leading a patient astray by suggestion, by persuading him to accept things which we ourselves believe but which he ought not to, has certainly been enormously exaggerated. An analyst would have had to behave very incorrectly before such a misfortune could overtake him; above all, he would have to blame himself with not allowing his patients to have their say. I can assert without boasting that such an abuse of 'suggestion' has never occurred in my practice."

Among his followers Lawrence Kubie (1960) has most strongly asserted that the influence of the psychoanalyst is as minimal as possible. Kubie goes on to say that we can therefore know that the patient's reactions (e.g. outbursts of impotent rage) are caused by processes inside the patient.

But in his real life Kubie applied much coarser devices of influencing than most of his colleagues. One of his patients was Leland Hayward. When Hayward's son was 15 he dropped out of school and moved to another town with his girlfriend. His father fetched him back, but did not take his responsibility as a father. Instead he delivered his son to Kubie. Kubie locked him up in a mental hospital where he was given the choice between ice water torture and "voluntary" psychoanalysis. – Kubie was always very prone to lock in people. (Farber & Green, 1993:77ff.)

Chapter 46
"The Victim Will Become an Offender"

The causal postulation in the heading of this chapter has made a strange ride from 1896 to the present time. Originally, what Freud had in mind was not children who were abused by adults, but sexual play of two preschool children. – It is not generally known that Freud borrowed this idea from Wilhelm Stekel (1895).

One of the children took the initiative. Now, on one page Freud (GW-I:452/SE-III:215) claims that each and every initiator – regardless of sex – had previously been seduced by an adult. On another page Freud (GW-I:445/-SE-III:208) discusses *only the boys*, and there he claims that he for some but not for all boys had unearthed previous seduction by an adult. Since he also claims that he had succeeded in unearthing literally all the repressed events of all his patients, he cannot explain away the contradiction by means of the idea that the boys might have had more repressed memories than those lifted by Freud.

This discrepancy is a clear indication that Freud gives his imagination free rein without having any particular patients in mind.

Alice Miller (1983) is responsible for the following distortion: Freud claimed that all adults who abuse children have been sexually seduced when they were children.

Oswald told his daughters that he himself had been sexually abused when he was 5 years old. He maintains that his intention was to warn his daughters against such things.

But in court the prosecutor and Elvira's lawyer did their best to present his childhood accident as a reason why he was guilty of having abused Elvira.

Allmo (2008:189) improves it even further: *both* Oswald and Helena had been sexually abused as children. She also quotes a text written by Elvira:

> "He yelled, he hit, he was noisy, he tried to drown me in the lavatory. But at least he [in contrast to the mother] applied his own quality label.
>
> What if I shall follow the same pattern as they have done!
>
> I think this is what I fear most of all. (p. 78)
>
> [Q-46:1]

The reference to the father's hitting could be misunderstood and must be clarified. Helena recalls that Oswald had hit both the children; and she was the one who eventually made him stop. Elvira has no recollection of having ever been hit. Ingrid recalls one single occasion when she was 4 and received one slap with a slipper on her upper arm.

The accusation that the offender tried to drown the child in the lavatory, or pressed the head of the child into the lavatory chair, can be found in many cases involving recovered memory therapy. The repetitive nature of many indoctrinated stories seems to derive from the therapists' poor imagination. But Allmo suffers not

only from poor imagination but also from poor memory. In the police interrogations with Elvira there is no trace of such a lavatory assault.

Allmo (2008:247) refers to a police interrogation of Oswald, in which the police officer said that incest may be passed on in a family. – This is an obvious reference to Freud's theory. But none of the police interrogations of Oswald were audio-recorded, so it is incomprehensible how Allmo managed to obtain this information.

She also claims that both parents were members of the same homosexual club. But no such club exists. Instead Helena, who was deaf, was a member of the board of an association for deaf homosexuals. In court the prosecutor did his best to persuade the judges to perceive this fact as proof that Helena was homo- or bisexual. – If she had been a member of the board of an association for people who were both deaf and blind, would this prove that she was blind?

In the court of appeal in 1994 after the case had been re-opened, the prosecutor and Elvira's lawyer wanted the proceedings to take place behind closed doors, while the defence counsels wanted open doors. Allmo falsely claims that exactly the opposite was true. (The court's decision was a compromise: open doors when sexual abuse and prostitution were handled, and closed doors when the child murders were handled.)

Chapter 47
Personal Relations, Expert Opinion, and Evidence Evaluation

In Allmo's book I, MS, have been given the pseudonym "Docent Magnusson". The reader will learn many true things about me. As regards all things Allmo tries to *prove*, there are only two petty errors. In due course we shall see that there are also two great lies.

She quotes many strong invectives against judges, psychiatrists and psychologists in my letters to Oswald in prison. With a caveat to be mentioned in due course she also documents the deep and reciprocal friendship that grew between us after he was released. And both before and after he got the disease that eventually caused his death in 2004, I took upon myself many tasks of a social welfare officer.

Throughout a great part of the book the reader will primarily wonder if a person who had such a close relation with Oswald, could make an objective assessment of the facts.

But on the last pages it turned out that my friendship was faked. My real aim was to exploit Oswald. Thus, during the six months before he died and while he was living in three different hospitals, I had either lived in his apartment myself, or had hired it out to someone else and had stolen the rent.

This is a foolish lie, because many constituents of the sequence of events have been annotated in the record by the landlord firm. It was I who found Oswald on the kitchen floor where he had been lying for 6 days and 5 nights without being able to move. (Because of an interrupted task the time of the accident could be dated with certainty.) The kitchen floor was soaked in urine. It is easy to understand that the entire apartment was permeated by strong smell. It would not be easy to find anyone who would be willing to live there.

For obvious reason the first task was concerned with Oswald himself. Three hospitals treated me as his next of kin. I always followed him to other hospitals for specific treatments that would last a whole day. I took him to the toilet when he needed. (Let me add that he would have done the same things for me if needed.)

When he after some weeks had entered a regular schedule of treatment, his landlord had to inspect the damage, and to provide alternatives. When it was agreed that the apartment should be repaired, it was the holiday season, so it took no little time before the repair were completed.

I also had to move all furniture out of the kitchen. I build a very unstable pile in the bedroom, which anyone would have to climb over in order to get to the beds.

Evidently the aim of Allmo's first great lie is to disqualify me.

The same is true of her second great lie: the real aim of MS is to help real sexual offenders to abuse children.

Nevertheless, the general question about personal relations, expert opinions and evidence evaluation is important and need an explicit analysis.

If MS were a very close friend of Oswald's, would it cease to be undeniable facts,

(1) that Elvira during four different meetings, held over a period of three months prior to the first police interrogation, explicitly claimed that she had no recollection of any sexual abuse?
(2) that Elvira during the first police interrogation said that she had no recollections of any sexual abuse?
(3) that Elvira during the first police interrogation said that she was absolutely sure that no sexual abuse had taken place during the last 5½ years?
(4) that Elvira in the first four police interrogations did not accuse her father of any of those crimes for which he was convicted a few months later?
(5) that Mollbeck/Allmo repeatedly told the police or the social services that Elvira had recounted certain assaults to her, while Elvira at a later date had no recollection of these assaults, or of having recounting such things; in other words, that Allmo had lied about what Elvira had said?
(6) that Mollbeck/Allmo repeatedly "knew" what Elvira had experienced before Elvira knew it herself?
(7) that Elvira provided concrete descriptions of a total of 12 sexual assaults; and that she postulated that her sister Ingrid was an eyewitness of 11 of these; and that there were further eyewitnesses during 7 of these 12 results?
(8) that all the alleged eyewitnesses said that they had not seen any indecent act?
(9) that the five judges of the court of appeal in 1994 had erroneous recollections of what the mother had testified, and that they therefore convicted Oswald of assaults of which Elvira had never accused him? [Q-47:1]

It is one of the virtues of the approach applied and the results presented here, that the cardinal facts remain cardinal facts, regardless of whatever friendly or hostile relations MS may have to any person. The facts are hard facts, and would not be influenced by any biographical knowledge about MS – for instance, whether or not MS has any clinical training or any clinical experience with children; or even if MS had been psychotic.

To sum up, some kinds of hard evidence really exist, that are independent of any kinds of private relations.

But when this is said, the problem of personal relations is by no means exhausted. One of those judges of the court of appeal who convicted Oswald, had had a homosexual relation with Oswald. This judge will be given the pseudonym Vilgot Janson. I am a little surprised that he did not withdraw from the case. On the other hand I do not think that the verdict and the sentence would have been any different with another judge.

The important biases are often less conspicuous. In the large recovered memory case in Umeå, which also occurred around 1990, the daughter will be given the pseudonym “Elfriede”. Like Elvira she was indoctrinated to “recall” a wealth of sexual assaults committed by her father. Like Oswald her father was given a 10-year-sentence, the maximum for sexual abuse at that time. Like Elvira, after the trial Elfriede went on to accuse many other people. The case was re-opened and her father was acquitted. And it turned out that there had never been any evidence against her father the first time the case was handled by the district court and the court of appeal. The main difference between these two cases was that Elvira only accused one influential person, while Elfriede accused many influential persons.

The re-opened Södertälje case started about one month after the Umeå case was finished. One hypothesis easily suggests itself. The five judges of the court of appeal in Stockholm realised that the general public would lose confidence in the legal system, if the very same kind of miscarriage of justice turned out to have been committed by two district courts and two courts of appeal at virtually the same time.

The hypothesis must be faced that the Stockholm judges had decided, prior to the proceedings, (a) to re-convict Oswald; (b) to state in the written judgement that he was probably guilty of all charges for which he had previously been convicted; (c) to invent some judicial quibbles in order to justify that he was this time not convicted of all the crimes of which he was “probably guilty”; and (d) to give him half the former prison sentence.

Bengt G. Nilsson (not a pseudonym) was the chairman of the court. He zealously stopped all evidence that would tell against the charges. One of the most probable explanations is that he actually believed that Oswald was innocent, although he convicted him.

There is another example of improper conduct. The doors were closed when the child murders were discussed, as I have already mentioned. Now, the mother’s defence counsel wanted to use a document belonging to the Umeå case. This was forbidden by Nilsson and his four co-judges, on the ground that the this document was classified. Then the counsel obtained the permission from the Umeå court to use this document in the Södertälje case, behind closed doors. The Umeå judge sent her permission to the court of appeal in Stockholm by a fax machine.

But then judge Nilsson stated that no such permission had been received from Umeå, because the fax machine at the court of appeal in Stockholm was broken. – It has been unambiguously proved that the fax machine was not broken, and that the permission was duly received without any problem.

Judge Nilsson’s private attitude is a much more serious obstacle to a fair trial, than judge Janson’s homosexual affair.

Moreover, any expert or expert witness will soon learn that it will pay much better – not least in cash – to support the prosecutor than to support the defence. In contrast to the defence, prosecutors have a lot of money at their disposal that can be used for finding or inventing evidence.

In Sweden a special group exists which Scharnberg (1993, 1996) called "pseudo-witness-psychologists". These are all clinical psychologists, who have attended a hyper-brief supplementary training at a commercial institute. The members of this group label themselves "witness psychologists", despite the fact that they know nothing about witness psychology. The most prominent of them will almost routinely arrive at the (pseudo-)conclusion that the suspect is guilty.

Their theoretical leader is Egil Ruuth (not a pseudonym). It should come as no surprise that he was involved in both the Umeå case and the Södertälje case, and that he testified in the Umeå case that Elfriede had in no way been influenced by anybody, but that she had recounted authentic memories.

In all of the public research libraries in Sweden there is only one single writing about sexual abuse written by any pseudo-witness-psychologist. It is Maini & Ruuth (1985): *A holistic approach to the evaluation of children's credibility: An illustration.* This paper consists of 11 pages and was not much distributed outside the university department. It is written in extremely poor English. However, if the content had been interesting it would have been easy to improve the language.

This paper is dated "January 1985". Note that this is the same month in which Muriel murdered both her parents, as described in chapter 40. There it was also described how the police officer Monica Dahlström-Lannes used this crime to start a propaganda campaign, that is to say the sexual abuse craze in Sweden. It would be a natural hypothesis that there was a connection here, because Dahlström-Lannes has always had a warm relationship with the pseudo-witness-psychologists, but a very cold relationship with the genuine witness psychologists.

The paper by Maini & Ruuth was used as course literature for at least 15 years. Nevertheless, outsiders could not obtain or buy a copy. Not even *The Library of Psychology and Education* in Stockholm was allowed to buy a copy. Today this library has a copy, but only because I succeeded in finding one by private detective work.

I openly admit that when I started to analyse the facts of the case of Elvira, I entertained no suspicion that Allmo/-Mollbeck was the indoctrinator. And it may safely be taken for granted that I would not have found this out without the assistance of the computer. Nevertheless, it can be seen from the police investigation (and later also from Allmo's book) that the entire Allmo/Mollbeck-family continued to believe in Elvira's accounts of mass murder even after the police had completely refuted these stories.

Even before Allmo's/-Mollbeck's real role had been exposed, an objective attitude would have required an "agnostic" attitude, that is to say, the awareness of the possibility that the foster mother might have another role than she pretended to have. Serious incompetence was shown by the police when they permitted Allmo/-Mollbeck to be present at police interrogations of Elvira; and also to be present when they drove around in Stockholm in the hope of finding sex clubs and places where people had been murdered.

Admittedly, the following excerpts were not formulated by the police, but by the only psychiatrist who attributed posttraumatic stress disorder to Elvira. But these excerpts agree well with the attitude of the police.

> "On several occasions Elvira shows her dependence on and confidence in Fanny and [the husband's name] Mollbeck. […] Elvira is to a greater extent than others in need of a stable and affectionate atmosphere in order to do well. The home of the Mollbeck family gives Elvira this kind of safety."
> [Q-47:2]

The person, who was actually most harmful to Elvira, and who was more than anyone else the cause of Elvira's sufferings, was by all persons who belonged to any kind of societal authority, assumed to be Elvira's greatest help. – Mollbeck has not only exploited Elvira in her recent book. She has also repeatedly acted as a lecturer on sexual abuse. No one knows how many times she has – with Elvira's "permission" [!!] – shown excerpts from the video-taped police interrogations, which are classified to other people. It is even possible that Elvira herself has been shown at some such lectures.

Chapter 48
The Power of Textual Analysis

Sometimes specific scientific techniques may disclose the concealed and unobservable pattern of the events behind the postulated and quite different occurrences – although the persons involved may have been absolutely certain that such events could never be disclosed.

Carl Jonas Love Almqvist (1793-1866) is one of Sweden's greatest authors. He also had a modern liberal attitude to sexual morals. As a result of this he had many enemies. Around 1850 he was suspected of murder and embezzlement. Knowing that he would not get a fair trial, he escaped to America.

It can safely be taken for granted that if he was not guilty of embezzlement, he was neither guilty of murder. Later generations of literary critics have engaged in some speculation around these crimes. But the final and non-speculative conclusion can be found in Jägerskiöld (1987).

In one document supposed to prove the embezzlement, the beginning and the end of Almqvist's signature are found before and after the seal, while the middle part of the signature is apparently covered by the seal. Now, modern technology has verified that there is no writing underneath the seal. This is a clear indication of the fact that the signature was not written by Almqvist but was forged.

Digression. It is a recurrent phenomenon in science that certain theories or hypotheses will not be falsified, but will collapse under the weight of the supporting assumptions necessary to uphold them. I think this methodological device is sufficiently interesting to be exemplified here. Could Almquist have signed the first and the last part of his name, but left out the middle part that seemingly was covered by the seal?

Such a strategy would entail the following supporting assumptions. (a) Almquist had reckoned that this document would be preserved for some one hundred years. (b) He had also expected that science would meanwhile have developed techniques that could detect that there was no text underneath the seal. (c) He must have expected that someone in the distant future would undertake the work of investigating this document.

In chapter 40 some aspects of the case of Violet were described. The central point is that some occurrences that had not been directly observed, were nevertheless disclosed with certainty. Someone else than Violet had written a short-story about what she had experienced, and at the training sessions Violet had made the mistake of memorising the sheer verbal formulations.

Now we shall encounter the same pattern in the case of Embla. (Both cases are presented in much detail in Scharnberg, 1996.)

Fourteen-year-old Embla was more fond of social company than most people of her age. But she had no really close friend. On a certain Thursday Swedish television broadcasted a section of the TV series *Degrassy Highschool*. Embla's schoolmate Jane video-taped this episode. On the following Sunday Embla visited Jane, and they saw this episode together on video. Although the actors are

older, they are meant to be of an age when young people will experience their first kiss. One girl confides to her best friend that her mother's boyfriend abused her when she was 11 years old. Her friend consoles her and caresses her, the girls are weeping together, head against head; the scene is deeply moving. Embla may have felt that it would be wonderful to be so treated by Jane, so she said, “I will give you a letter tomorrow.”

The following day at school she handed over a letter according to which her father had slept with her, licked her breasts, and inserted his fingers into her vagina. There is no indication of her having considered the possibility that anyone might be harmed. And if the matter had been handled in a rational way by the school and others, Embla might not even have lost face. But very soon the authorities were informed, and two hours later the father was arrested.

The procedures by means of which the secret patterns of events in the cases of Violet and Embla were unearthed, are described in much detail in Scharnberg (1996).

The readers have in this book been given a close insight into how I proved that it was Fanny Mollbeck who fabricated all the abuse events, and who indoctrinated Elvira. *No other expert has suspected Allmo/Mollbeck of having this central role*.

Allmo/Mollbeck could have learned from many different sources that I was writing a book about the Elvira case. But she must have been highly astonished to learn that I had managed to reveal her central role.

How and when did she find out about it? In 2005 the reporter Kristina Hjertén von Gedda published a book whose title means *Beyond Reasonable Doubt.* Her aim was to present the views of the defendants in five legal cases, without taking a stand on the question of guilt. She interviewed both Oswald and Helena and me. This was the first time when my first cardinal result became available to more than a handful people. Could this also have been the time when Allmo/-Mollbeck decided to write her book? It is manifest in her book that she is very anxious to disqualify me.

Chapter 49
Elvira's and Allmo's/Mollbeck's Attitude to Publicity

Elvira enjoyed publicity even before she left her parents. She in fact competed with a schoolmate. Elvira won the first round when a newspaper published an article about how it feels to have a deaf parent. But then the other girl saw the Virgin Mary. The Orthodox Church recognised this as a genuine miracle, and the 17-year-old girl was recognised as some kind of a saint.

Eva Lundgren, a professor of the sociology of religion, had for decades claimed that ritual child murders are frequent in Sweden. She was Allmo's/-Mollbeck's friend a long time before the trial. She was also involved in the Södertälje case. Elvira told the police about the child murders for the first time on 1992-11-22. Note that professor Lundgren was interrogated by the police three days later, on 1992-11-25.

In 1994 Lundgren published a book in Norwegian. Its title means *Let the Little Children Come to Me*. Pp. 195-216 are devoted to a description of the Södertälje case. Elvira is given the pseudonym "Mathilde". Lundgren takes all Elvira's narratives about ritual murders at face value.

She made her own interviews with Elvira. But evidently she failed to check whether Elvira had said the same things to her as she did to the police. As I stated above, I have not yet met one single girl whose accusations were false (whether she was indoctrinated or had lied on her own initiative), and who has managed to recall what she had said from one occasion to the other.

(The girl with the [alleged] phenomenal memory was no exception. Whenever she got a question for which she had not prepared the answer in advance, she could not even recall what she had said a few minutes earlier.)

At a later date Jan Guillou (2002) wrote an excellent book on witchcraft. He had unearthed many facts that must have been unknown and surprising even to some scholars in the field. He also devoted one chapter to contemporary witch cases, viz. the many absurd trials concerning sexual abuse of children. He mentioned the case of Elvira.

On 2002-09-16 a large article of protest was published in the Swedish newspaper *Dagens Nyheter*. It was signed "Södertäljeflickan" (The Södertälje Girl). But it was manifestly written by someone who had much greater academic proficiency than Elvira had. The text propagated the ideas Eva Lundgren is known to have, and even her style could be recognised.

On 2003-10-04, likewise in *Dagens Nyheter*, Nuri Kino wrote a large article about the Elvira case. The newspaper boasted of the great amount of research that had gone into writing this article. – But obviously the "research" did not involve checking whether what Elvira had told Kino agreed with what she had told the police.

Toward the end of the preceding chapter I mentioned the book by Kristina Hjertén von Gedda's (2005), in which 58 pages were devoted to a presentation and analysis of the Elvira case.

Chapter 50
Some Common Views

I now have no more comments to make here on Allmo's/Mollbeck's book. Therefore I shall no longer retain Allmo's real name but only her pseudonym.

It has very often been said that the defendant and the injured party are the only persons who know what has really taken place. Judges, jurors, police officers, psychiatrists, social workers etc. are outsiders, and as such they can do no more than *believing* one or the other party.

My analyses have conclusively refuted this view. Oswald's and Helena's innocence is fully proved in the scientific sense. And what is proved in the scientific sense is much more certain than what has in the legal sense been "proved beyond reasonable doubt".

Other statements also constitute firmly established scientific results. Elvira has never recalled any sexual assaults performed by her parents. Instead her pseudo-recollections were invented and indoctrinated by Mollbeck.

In almost all countries it is taken for granted that the verdict in legal trials should be based on ordinary lay thinking. And regardless of whether the verdict is made by jurors or judges, lay thinking is thought to be entirely appropriate and sufficient. I am not aware of any other exception than Sweden.

But ordinary lay thinking often means little else than subjective feeling. And such subjective feelings are often inspired by or even imitated from mass media.

Besides, a weeping girl can make a strong impression. Oswald was an amateur actor. He had a special theatre ointment that would enable anyone to weep for a very long time. Elvira had stolen that ointment and applied it when she testified in court. – I cannot imagine any judge who would permit the defence to soak up a specimen of Elvira's tears on a handkerchief and send it off to a laboratory.

When judges (instead of jurors) are responsible for the verdict, the received theory of verdict making is based on the following assumptions. Judges will correctly perceive all pieces of evidence that has been presented by the parties during the proceedings. They will correctly recall them. They will attach the proper evidential value to each individual piece of evidence. As a consequence their only remaining task is to weigh together these evidential values.

I apologise for the necessity of wasting space on the pseudo-proof that Oswald during the proceedings denied having been alone with Elvira in her room. During the police interrogation he said the same thing as Elvira, viz. that he did not recall any event of the kind.

When the new trial took place, he had served two years of a 10-year-sentence. In prison he had been physically attacked by other prisoners. He was exposed to one attempted murder. In contrast to the other prisoners he was *locked* in his cell, not as a punishment, but in order to prevent severe injury or murder. He was systematically treated with contempt by the

staff and, especially, by the psychiatric therapists. And during the new trial it was apparent to anyone (including Oswald himself) that the court had in advance decided to re-convict him.

Against this background it would be absurd to request that he should recall every trivial detail. He did not even have a defence counsel, except in a purely formal sense. This is the only case where I have seen a defence counsel who did not spend the recesses together with his client. I know for certain that this formally appointed defence counsel believed that Oswald had really murdered many people. Hence, he thought, Oswald should count himself lucky if he only got a 10-year-sentence for sexual abuse.

Oswald strongly requested the counsel to call certain important witnesses. The counsel promised to do so, but did not do it at all.

There was no one to warn Oswald against denying that some trivial events had happened, just because he did not recall them.

In Sweden there are two new case-laws by the Supreme Court, according to which the defendant had the right to a defence counsel in whom he has confidence. If a defendant has *completely lost his confidence* in a certain defence counsel, he has the right to a new counsel. – Hence, when the five judges refused him to change his counsel, they knowingly acted against the Swedish law.

As I mentioned in chapter 47, the re-opened Södertälje case started about one month after the Umeå case was finished. The judges of the court of appeal in Stockholm may have realised that the general public would lose confidence in the legal system, if the very same kind miscarriage of justice turned out to have been committed by two district courts and two courts of appeal almost at the same time.

Those facts that were really testified by the mother – and correctly stated by the judges on p. 22 of the judgement – had zero evidential power in support of the charge. In other words, these five judges were not capable of evaluating this part of the evidence.

A very important question is whether we can be sure that the judges *first* experienced the perceptual or mnemonic distortion, and afterwards based the evidential value on this distortion? Couldn't the opposite pattern be true instead? Maybe the judges first felt an emotional need for attaching a strong evidential powers to the alone-together-events – and maybe this need *afterwards* led to the distortion of their perception and recollection?

Chapter 51
Implications For the General Structure of the Legal System

It is not a jest on my part to begin this chapter by describing a party game. The target person must solve a task about numbers. There are so many persons in a bus. The bus 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 add and subtract passengers. Finally comes the unexpected question: “How many times did the bus stop?”

If you did not know in advance that you should pay attention to the number of stops and not to the number of passengers, you will almost certainly miss the relevant information.

The task associated with legal proceedings is enormously more complex than this party game. There are not merely two variables, but hundreds of them. Many variables, and particularly the relevant ones, will only be present intermittently. They will emerge at unexpected moments and in unexpected contexts. And at the time when a certain circumstance appears, it cannot be assumed that a judge or a juror will be able to assess whether it is significant. If they wrongly deem it to lack importance when it appears, the probability is high that they will forget it.

Legal theories of evidence evaluation usually take for granted that the only kind of combination that is needed for a judge or a juror, is *weighing together of evidence.* But this is a serious error. *Two pieces of evidence, both of which have very weak evidential power, may in combination have very strong evidential power.*

Attentive readers will almost certainly admit the importance of my four cardinal results. But then my analyses must give rise to some general questions. *Do judges and jurors have a fair chance of disclosing such internal relations in the body of evidence?*

This question is not restricted to the legal system in Sweden. It should be asked in every country.

It is an indisputable fact that none of the 27 judges who passed verdicts in the Elvira case, detected the second and third result. And it is known for certain that none of the 5 judges who made up the team of the fifth trial detected the first cardinal result.

But I feel myself unable to imagine that a trial could be fair, if those who are responsible for the verdict are not capable of detecting such internal relations within the body of evidence.

A second question is even more pertinent, and this is a question that should also be asked in every country. *Is the structure of legal proceedings well adapted to the cognitive equipment of human beings?*

As far as I have been able to gather, no one has previously noted this problem. But its importance cannot be denied. Much research by a great number of

scientists is needed before we will learn how an adequate legal system should be constructed. I have pointed out the existence and significance of the problem of the relation to the cognitive equipment, so that others may take care of it.

A large amount of well-founded results have been obtained within the research on cognition and decision-making, which have a bearing on the way judges in trials and civil suits function. But when psychologists study the actual function of judges it seems to me that they are reluctant to select such topics or methods that could lead to results that are not favourable to the judges themselves.

This impression cannot be generalised. Thus, James Shanteau (1995) *gave some judges descriptions of legal cases on two consecutive days and asked them to state what they would do. Unknown to the judges some of the cases were the same on both days. It turned out that the judges could not arrive at the same decision on the basis of the very same body of facts, on two consecutive days, in more than 50 % of the cases.*

One aspect of this experiment should be paradigmatic. Shanteau was not afraid of obtaining unfavourable results.

Using empirical analysis of real legal cases as the point of departure, Scharnberg (1996, vol. II, chap. 94-97, 112-122) attempted to extract a set of rules that judges actually use when in evidence evaluation. This is one more approach that is not often applied.

Chapter 52
The Fundamental Concept of *Sham Evidence*

I claim that "sham evidence" is an extremely important concept. It should be one of the most central notions of jurisprudence and, in particular, of the sub-discipline that is concerned with evidence evaluation. I am worried because this phenomenon has been neglected in the relevant literature.

What I am trying to communicate is by no means the fact that various pieces of evidence may have very different evidential power, and that it is desirable that verdicts should be grounded in strong evidence. Instead *the defining characteristic of sham evidence is that it looks like strong evidence, while its objective power is very weak if not downright zero.*

Sham evidence can be found in relation to many kinds of suspected crimes. One category, but by no means the only one, consists of patterns in which objective and palpable findings combine with subjective beliefs in unexpected ways. An excellent example is provided by the Swedish *Catrine da Costa cutting-up trial,* which started in 1984 and went into a protracted but only half-finished state in 1991. Chapter 69-86 in Scharnberg (1996) were devoted to a careful scrutiny of this case. Three excellent papers are available on Internet, published at the web site of *The Swedish Foundation for Forensic Psychology* by Holgerson & Hellbom, Scharnberg, and Sjöberg, respectively.

Two medical doctors were tried for having murdered Catrine, a prostitute and heroin addict. Allegedly they had cut up her body and performed a sexual desecration of the corpse. Allegedly, the 17-month-old daughter of one of the doctors was an eyewitness of these crimes.

Catrine's head was never found. But the seventh vertebra was uninjured on the torso. Three expert institutes in two countries agreed that only a very skilled surgeon would be able to separate the head from the torso between the sixth and the seventh vertebrae without injuring the seventh. Hence, the uninjured seventh vertebra seemed to constitute strong evidence that the person who had cut up the body must be found among a limited group of people.

However, one and only one of the expert institutes added that there is no indication that the separation was made at this locus. A layman could have separated the head between the fifth and sixth vertebrae, and both might have been injured. And this could be explanation why the seventh was unharmed on the torso.

This is an excellent illustration of how palpable and objective facts may combine with subjective and unarticulated beliefs.

Two high jurists, one of them a judge, have proposed that experts and expert institutions should be explicitly forbidden to provide any kind of information except what is explicitly asked for by the court. The aim of these jurists was that the doctors might have been convicted on the basis of this sham evidence, if one expert institute had not corrected the court's false beliefs.

Could anyone wish for stronger evidence of sexual abuse than the presence of spermatozoa in the vagina of a child? But we saw in chapter 33 that this evidence vanished at a closer look.

The same was true of Vanessa's vaginal orifice which, according to the testimony of two doctors, was greatly enlarged.

When the psychiatrist Kåreland attributed post-traumatic stress disorder to Elvira, I shall venture no guess as to whether or not this was really or only apparently perceived as strong evidence to the judges.

Chapter 53
The Need For a Public Defence Institute

Errors are sometimes found in the body of evidence, and sometimes in the reasoning of the judges. Nevertheless, **there are some errors that judges cannot be blamed for, since they have no way of detecting or avoiding them. But there are other errors for which judges cannot be excused.**

Those two doctors who compared the stretched measure under anaesthesia of two-year-old Vanessa (chapter 33), with the unstretched measure without anaesthesia found in the literature, were guilty of fabricating a serious hoax. But it must be emphasised that this is the sort of hoax that judges have little chance of detecting. As a consequence, this form of sham evidence will almost invariably lead to a conviction.

But judges should not escape the blame for not facing and admitting their own limitation, and for not having done anything to prevent such errors. Quite a few judges (not least Inger Nyström, who was until recently a judge at the Supreme Court in Sweden) have strongly propagated that it is up to the court to decide whether there is any need for calling an expert.

In the minds of most judges at least the following four categories there will be (and I do not claim that these categories are exhaustive). (1) True knowledge. (2) False knowledge which the judge erroneously believes to be true. (3) Knowledge gaps, where the judge is aware of not possessing the requisite knowledge, and is aware that an external expert may have this knowledge. (4) Knowledge gaps where the judge is aware of not having the knowledge, but erroneously believes that no expert has it either.

In a legal system in which it is up to the judge to estimate whether there is any need of an expert, we should not expect the judge to permit an expert to testify with the aim of correcting the judge's false knowledge, and neither to permit testimony by an expert, if the judge erroneously believes that no human being is in the possessing of the requisite knowledge.

We have noted that judge Bengt G. Nilsson forbade the leader of *The Witness Psychological Laboratory* to tell that Elvira suffered from a typical false memory syndrome.

Judges must be blamed for overestimating their own competence and denying their limitations.

Such overestimation is not specific for judges or jurists. In fact, I have written more than most other people about the defects of two other professional groups. It may well be a widespread reaction to ignore or deny one's own errors, if one believes (perhaps erroneously) that they are beyond improvement, at least at the present time.

Be it as it may, the only possible remedy for the legal system in the present situation, would be to search for and to permit assistance from external experts.

How should such assistance be organised? The worst possible solution would be to create an “impartial” and “neutral” institution, which could at the request of the court supply true information, on the basis of the fact that the institution is “independent of the specific interest of the parties”. But in many countries, and Sweden is one of them, there is ample opportunity to observe the actual activities of “impartial” institutions. It will be easy for the profession of prosecutors to obtain control of them (and this is what has happened in Sweden, among other countries).

Moreover, the prosecutor will most often start to work with a concrete case a long time before a defence counsel comes on the scene. In addition, most defence counsels do not start to look for relevant information on sexual abuse, until they get their first legal case of sexual abuse.

What is needed is therefore a straightforward defence institute, which is operating at the same level as those institutions that assist the prosecutor. This suggestion is not new. Very distinguished American jurists have put forward the same suggestion more than half a century ago.

Two objections would be that this reform would cost the taxpayers much money, and that the trials would be significantly prolonged. Both objections are false. One of the greatest expenses is the cost of keeping people in prison. Even if a public defence counsel were tax financed and were to receive the same fee as a private counsel paid by the defendant himself, the total cost for the defence would rarely exceed the cost of keeping one person in prison for one single year. – The trials would also be significantly shorter, if the prosecutor knew that he would gain nothing by presenting a wealth of pseudo-evidence.

A third objection to be expected is that such an institute is superfluous, because the defence does not need to prove that the defendant is innocent; it is the prosecutor who must prove that he is guilty. – But anyone who has some experience of what goes on in the court room must find it disheartening that judges so obstinately pay lip service to a rule they never apply.

In chapter 41 we encountered the former president of the Supreme Court in Sweden, Torkel Gregow. In his article he strongly emphasises that there can be no question of applying lesser standards of proof in cases of sexual abuse than in other cases. It is not enough for a conviction that the narrative of the injured party is more probable than the defendant’s account. It is must be completely clear that the defendant is guilty.

After having said this, Gregow proceeds on to say that an accusation of sexual abuse is in itself such powerful evidence, if it is “trustworthy”. Concerning the problem how judges could distinguish trustworthy from untrustworthy accusations, he has only the most trivial things to say; for instance, that it is good reason for assuming that the accusation is true, if the injured party has provided the same version in all interrogations.

Numerous defendants have claimed to be innocent and have provided the same version in all interrogations. I am not sure that even one single judge can be found, who have concluded from the constancy of the accounts, that the defendant were innocent, and who has never convicted such a defendant.

There was never any evidence against Oswald and Helena. The true facts were instead that the police investigated whether Elvira's accusations of child murders were true, but abstained from investigating whether her accusations of sexual abuse were true. The police even concealed evidence that proved their innocence.

As mentioned above: in Sweden some high jurists and psychiatrists have propagated that only the court, but none of the parts, should have the right to appoint experts. Such a proposal would be a serious obstacle to a genuine *defence*. In most trials the prosecutor has worked with the case for a long time before a defence counsel is engaged. As a consequence, the prosecutor is in a much more favourable position to influence the court's choice of experts and institutions.

At the present time it is extremely difficult for an innocent defendant to be acquitted by a Swedish court in sexual trials (and I guess it is no different in many other countries). However, I do not believe that such a state of things would have developed, if a public defence institute had existed during the past 20 years.

Appendix: Some Interesting Features of Two Other Scandinavian Countries

The legal systems of the Scandinavian countries are markedly dissimilar, both as regards the formal legislation and informal legal attitudes and ideologies.

I will here describe some Norwegian phenomena that could serve as an appropriate model for many countries, and some Danish phenomena which should definitely not be replicated elsewhere.

Norway is the only Scandinavian country that has taken serious steps to prevent future miscarriage of justice, not least in cases of sexual abuse. Some years ago *The Norwegian Criminal Cases Review Commission* was created. It is not a fourth court at a level above the Supreme Court. The Supreme Court will continue to handle new trial motions. But when a motion has been rejected, it can be sent to (not appealed to) the Commission. The first difference is that the Supreme Court will only assess the actual text and content of the motion. By contrast, the Commission may decide that the content of the motion is not sufficient for re-opening, but that the defence nevertheless has a point. And then the Commission is entitled to perform a more comprehensive investigation of its own. In turn, it is quite possible that the Commission may decide that the new trial motion together with this supplementary investigation may constitute a sufficient ground for re-opening.

A second difference is that, if a case is re-opened by the Commission instead of by the Supreme Court, it must be handled by another court of appeal than the one that made the previous judgment.

Further differences are found in the composition of the Commission. There are eight members in all. Two of them are judges, but neither the chairman nor the vice chairman are judges. The chairman is a defence counsel, and the vice chairman is a high official outside the legal system.

We shall now turn to Denmark. It is a trivial circumstance that only Denmark has a special “new trial motion court”. But a related difference is far from trivial. I wonder how many Danish citizens know that *the judges of the Danish New Trial Motion Court are paid for only one hour of labour for each case.* It goes without saying that no judge can perceive and evaluate the information in a new trial motion in such a minimal time. As a consequence, very few cases are re-opened in Denmark, however strong the reasons for re-opening may be.

A question should also be asked about the ethics of the profession of judges, since judges have accepted such an improper state of affairs, even for generations

Recovered memory therapy and legal trials based on the false memory syndrome reached Denmark later than the other Scandinavian countries. The reason was that some prominent psychoanalysts became very old, and they kept the normal psychoanalytic tradition alive. Until very recently psychoanalytic treatment

has never resulted in re-gaining recollections of hitherto repressed events, and even today only a small minority of analysts have combined their approach with RMT.

Unfortunately, the sexual abuse craze was only postponed in Denmark. At the moment it is flourishing. Before saying more about Denmark I would like to draw the attention to the East European countries. Psychoanalysis was not welcome during Communism. But after these nations became independent, many citizens and politicians might be under the impression that anything found in the "capitalist" countries is laudable – and they might want to incorporate both psychoanalysis and recovered memory therapy. That is to say, they might belatedly experience a development that has some resemblances to the Danish situation.

As late as 2002 the Danish associations of psychiatry, psychology and child psychiatry appointed a committee, whose alleged task was to investigate how recollections that had emerged during psychotherapy (in brief: therapeutic recollections) could be used within the legal system. The committee published its report in 2004. It presented two results and one recommendation: (a) false memories indoctrinated by therapy do exist; (b) genuine memories of authentic experiences may also emerge during therapy; (c) **psychotherapeutic recollections can be used in court in the same way as other recollections.**

In 2002 as well as in 2004 a large number of false convictions have been documented in many countries, and the Danish committee knew that they were based on recovered memory therapy (RMT) and the false memory syndrome (FMS). But instead of examining the risk of false convictions, the committee invoked Wilsnack et al. (2002) as a way of refuting Pendergrast (1995). The committee agreed with the Wilsnack team that only a tiny minority (1-2 %) of recollections of sexual abuse have emerged during psychotherapy.

This is an excellent example of how to lie with statistics. Both the committee and the Wilsnack team were equally aware of another fact, viz. the large range of acts of sexual abuse – from, say, a brief fondling of the breasts on the top of the clothes, to brutal anal or oral rape. But both the Wilsnack team and the Danish committee have constructed watertight bulkheads between their statistical figures and the semantic range. *Nothing can be found in their report that is not altogether compatible with the following pattern. 100 % of those acts of abuse that were recalled without therapy after a period of forgetting, belonged to the mildest forms; and 100 % of the coarse acts had either been continually recalled, or had emerged during psychotherapy.*

Memory therapists may well *start* with indoctrinating the mildest variants. But I have never encountered any case in which a memory therapist had *stopped* the indoctrination after having implanted such mild variants. Few facts are more firmly documented than their proneness to indoctrinate the coarsest variants.

On the other hand, I have never encountered any critic of recovered memory therapy who would deny that people may forget the mild variants and then without any professional assistance recall them later.

Below I shall use many facts from the Swedish Södertälje case in order to shed further light on this statistical flaw. Here it could be gainsaid that the Wilsnack team had studied the recollections of 711 persons, while MS had studied

only one case, and that MS had in turn made the most bold-hearted generalisations from such a minimal empirical material (a criticism I have actually received from Danish sources).

But this objection would be out of place. One single case in which it is known for certain what was observed, has a much larger evidential power than 711 cases in which it is not clear what was observed. It should also be noted that in the Elvira case as many as 27 judges have passed verdicts, and that most of these judges were selected by lottery. If 27 such judges make the same mistake in evaluating more or less the same body of evidence, this is certainly not "one single case".

A further fact is equally incompatible with the postulation that MS has merely generalised from one single case. In 2004 I compiled a list of 37 (thirty-seven) Swedish judicial judges who had convicted the defendants in trials that indisputably involved recovered memory therapy, and in which the injured party indisputably was suffering from the false memory syndrome. It was a sheer accident that I compiled this list at the same time as the Danish committee published its report.

I had made no systematic search for RMT/FMS cases. It was to some extent a random affair what I happened to stumble upon – although the great preponderance of the court of appeal in Stockholm to a greater extent derives from the fact that this is the town in which I live. Nevertheless, it can safely be assumed that the display as a whole constitutes no more than the tip of the iceberg.

However, such a tip could well be informative. I shall display the distribution of the 37 judicial judges over the different courts:

District courts. Huddinge = 1, Kristianstad = 1, Nacka = 1, Stockholm = 2, Södertälje = 1, Umeå = 1, Varberg = 1.

Courts of appeal. Gothenburg = 2, Malmö = 1, Stockholm = 18, Umeå = 3.

The Supreme Court = 5.

Now, what did the Danish committee have to say for the purpose of helping judges, jurors, defence counsels (and possibly also prosecutors and police officers) to distinguish authentic recollections from indoctrinated pseudo-recollections? We have just seen that their first point was to state that false allegations are very rare. This statement would imply that the courts could safely convict almost all defendants without producing any miscarriage of justice.

Only one point was made, that is entirely clear. The Committee advised psychotherapists to be aware of the possibility of suggestive influence, and to be careful not to expose the patient to such influence.

But when giving this advice, the Danish Committee cannot have been ignorant of the fact that the essence of psychoanalysis, talking therapy, and recovered memory therapy has for more than a century been to influence their patients, inter alia into believing in certain interpretations. And at the same time these therapists have zealously propagated that they were very careful not to influence their patients. (A good survey and analysis of this pattern is provided by Scharnberg, 2007.) It is difficult to believe that the Danish committee was not aware of this fact. Maybe the real aim of its recommendation was that recovered

memory therapists should continue to do what they had done so far, that is, to indoctrinate their patients and to falsely claim that they had never influenced them. Moreover, I am not aware of any country in which memory therapists could survive for a non-negligible period without producing many legal cases and legal convictions.

The committee made one further remark:

> "Some authors think, however, that certain features can be identified which will increase the probability that a recollection is true (which means that the recollection mirrors a factual historical event, although it may not necessarily be a correct description of what, objectively, happened). Thus, Conway [1997] emphasises that true recollections will typically be recalled and presented in a fluent way, and they will become integrated with the autobiographic memory that the person has of his own life. These recollections will produce clear images and will be built on experiences that are recalled as being 'past'. By contrast, false recollections will often be difficult to construct into a coherent pattern, will be difficult to integrate into the autobiographic memory-ground, will be connected to vague images, and will provide the experience of 'being known' instead of 'being past'." (*Genfundne erindringer*, Internet version of the printed report published in 2004 by the *Danish Associations of Psychologists.*)

Before pointing out the numerous and serious errors found in this brief quotation, I would like the reader to note two significant circumstances. First, the committee had worked for two years with its task. Over such a long period one has the right to request a final report that contains more than a half-truth. Second, although all relevant legal documents in Denmark are classified, the committee could easily have obtained analogous documents from a neighbouring country: Sweden.

The quotation is replete with indefinite expressions. How are judges and jurors supposed to apply such information? Will they even learn about the very existence of such qualifications? We are told about the view of *"some"* writers (hence: not all; but how many?), and that they *"think"* (but are not sure of), viz. that there are certain features which *"typically"* (but not always) will *"increase the probability"* (but by no means ensure) that a narrative is authentic.

Such vague phrases and expressions are particularly dangerous in the present context, because the legal system in Denmark makes it exceedingly difficult for defence counsels to learn from each other.

There are much more serious errors in the above excerpt than the many verbal reservations. Within the research on lying and deception one methodological error is frequent. Just like you cannot merely give any person the task of playing the saxophone and expect him to do so with a minimum of skill, you cannot give any person the task of lying and expect him to do that with a minimum of skill. There are great individual differences when it comes to lying skills. Some people are virtuosos and others are not. For obvious reason the virtuosos will significantly more often than others appear in the courts as the injured party. Therefore it is of limited help to judges and others to learn something about how ordinary people behave when they are lying.

Moreover, patients who have undergone recovered memory therapy will have had many training sessions before they appear in court. Elvira is one example. Chapter 23 in this book has a clear bearing on the excerpt from the Danish report. From the police interrogations Elvira's longest line about sexual abuse by her father (205 words), and her longest line about ritual child murder (806 words), were quoted in toto. None of the 27 judges who passed verdicts in this case doubted that Elvira's murder allegations were false and that her sexual allegations were true. And none of the psychiatric and psychological experts who supported the prosecutor dared state before the court that they believed in the murder narratives (although at the very least one of them played a double game in this respects).

It cannot be disputed that Elviras's narratives about the ritual child murders were *"recalled and presented in a fluent way"*. Moreover, these narratives had *"become integrated with the autobiographic memory which [Elvira] [had] of [her] own life"*. They had produced *"clear images"*, and they were *"built on experiences that [were] recalled as being 'past'."*

By contrast, Elvira's allegations of her father's sexual assaults were *"difficult to construct into a coherent pattern"* and *"difficult to integrate into [her] autobiographic memory-ground"*. Moreover, they were *"connected to vague images"*, and they provided *"the experience of 'being known' instead of 'being past'."*

In other words, if we apply Conway's semi-criteria, we shall arrive at the opposite result of the 27 Swedish judges. – And I would be surprised if the Danish committee would not assess actual narrative in the very opposite way of what the semi-criteria would indicate.

The reason why Elvira's murder narratives were deemed to be false, and why her narratives about parental sex abuse were considered to be true, is not very sympathetic. The police and highly competent scientists had checked the truth-value of the murder narratives. They had verified that at those places where corpses had been buried according to Elvira, no one had dug since the Ice Age.

By contrast, the police and the prosecutor had concealed all the evidence that disproved the sexual allegations.

Another very important circumstance that should have been apparent to the Danish committee is the exceedingly low capacity of judges for assessing whether people are telling the truth in court. Scharnberg (1996) has shown in great detail that the kind of sporadic, fragmentary and contradictory concoctions that judges will deem to be exhaustive, coherent and non-contradictory, are virtually limitless.

In 2008 Elvira's foster mother published a book, according to which all accusations made by Elvira were true – including those about the numerous child murders. The book was immediately reviewed by Monica Dahlström-Lannes (2008), who was for many years considered the greatest expert on sexual abuse within the Swedish police. In her review she joined the foster mother and believed all Elvira's allegations, including the ones that had been disproved by the police. She is not the only reviewer who believed in all the accusations. However, I have been aware of Dahlström-Lannes's specific position since January 1985. But this is the first time I have seen her committing herself to the view that not only is sexual

abuse is exceedingly frequent in Sweden, but that ritual child murders including cannibalism are likewise so.

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First of all I want to thank Bo Edvardsson for his extensive and invaluable advice, which has led to considerable improvement of the manuscript.

And then I shall thank Katarina Trodden who has corrected my English. But since I have not always accepted her improvements, she should not be blamed for whatever linguistic errors may remain. (There is also the well-known problem concerning the best rendering in another language of an oral dialogue whose grammatical structure is incorrect in the original language.)

I have found my Epson GT-10000+ scanner enormously useful. (Actually I am the first person in Sweden to buy one.) And I intend to use it in all similar tasks in the future. I would therefore like to thank Epson for having developed such an effective tool.

References

Concerning the specific Scandinavian letters, ä and æ are treated as ae, ö and ø as oe, and å is placed after a.

Aftonbladet (920324) (1992): Oralsex med sexåring – går fri.

Akselsdotter, Kaisu (1993): Småbarns signaler om sexuella övergrepp. Handbok för förskolan. Stockholm: Rädda barnen.

Allmo, Birgitta (2008): Vem vågar tro på ett barn? Södertäljeflickan och verkligheten. Enhörna: Tusculum Förlag.

Bénesteau, Jacques (2002): Mensonges freudiens. Histoire d'une désinformation séculaire. Hayen, Belgique: Mardaga.

Bergqvist, Larseric & Rydå, Ulla (1990): *Våga fråga - våga berätta!* Falköping: Falbygdsklinikerna.

Berkowitz, Carol D. (1987): Sexual abuse of children and adolescents. *Advances in Pediatrics, 34:* 275-312

Bettelheim, Bruno (1976): The Uses of Enchantment. The Meaning and Importance of Fairy Tales. London: Thames & Hudson.

Blädel, Leif (1999): *Vadstrupgårdsagen: Justitsmord.* Köbenhavn: Tiderne skifter.

Cantwell, Hendrika B. (1983): Vaginal inspection as it relates to child sexual abuse in girls under thirteen. *Child Abuse & Neglect, 7:* 171-176

Clarke, J. A. (1992): *A Colour Atlas of Burn Injuries.* London: Chapman & Hall Medical.

Conway, M. A. (Ed.) (1997): *Recovered Memories and False Memories.* Oxford: Oxford University Press.

Crews, Frederick (1995): *The Memory Wars. Freud's Legacy in Dispute.* New York: New York Review.

Crews, Frederick (2006): *Follies of the Wise.* Emeryville, CA: Shoemaker Hoard.

Crews, Frederick (ed.) (1998): Unaut*horized Freud. Doubters Confronts a Legend.* New York: Viking.

Dahlström-Lannes, Monica (1990): *Mot dessa våra minsta.* Stockholm: Gothia.

Dahlström-Lannes, Monica (2008): Vem vågar tro på ett barn? Södertäljeflickan och verkligheten. *Eskilstunakuriren*, 2008-03-14

Earl, John (1995): The Dark Truth About the "Dark Tunnels of McMartin". *Issues in Child Abuse Accusations, 7:* 76-231

Eberle, Paul & Eberle, Shirley (1993): *The Abuse of Innocence.* New York: Prometheus.

Edvardsson, Bo (1997): *Docent Svedin lägger pussel.* Department of Social Science, Örebro University.

Edvardsson, Bo (2003): Kritisk utredningsmetodik – Begrepp, principer och felkällor. Stockholm: Liber.

Eriksson, Thomas (1994a): Inga bevis i sexmål. *Dagens Nyheter* (Stockholm) 940928

Eriksson, Thomas (1994b) Bärkraftiga bevis saknas. *Dagens Nyheter* (Stockholm) 941028

Esterson, Allen (1993): Seductive Mirage. An Exploration of the Work of Sigmund Freud. Chicago: Open Court.

Esterson, Allen (1995): Primal scream therapy. The work of Janov. *British False Memory Society: Newsletter, 3: no. 3.*
Eysenck, Hans Jürgen (1985): *Decline and Fall of the Freudian Empire.* New York: Viking Penguin.
Farber, Stephen & Green, Marc (1993): *Hollywood on the Couch.* New York: William Morrow.
Freud, Sigmund (1941-1973): *Gesammelte Werke.* London: Imago. / Frankfurt am Main: S. Fischer.
Freud, Sigmund (GW-I:75-312) = Studien über Hysterie.
Freud, Sigmund (GW-I:377-404) = Weitere Bemerkungen über die Abwehr-Neuropsychosen.
Freud, Sigmund (GW-I:405-422) = L'Hérédité et l'étiologie des Névroses.
Freud, Sigmund (GW-I:423-459) = Zur Ätiologie der Hysterie.
Freud, Sigmund (GW-XVI:43-56) = Konstruktionen in der Psychoanalyse.
Freud, Sigmund (GW-XVI:57-99) Die endliche und die unendliche Analyse.
Freud, Sigmund (1964 or 1986) *The Standard Edition of the Complete Psychological Works of*. (transl.: James Strachey) London: Hogarth.
Freud, Sigmund (SE-II) = Studies on Hysteria.
Freud, Sigmund (SE-III:157-186) = Further Remarks on the Neuro-Psychoses of Defence.
Freud, Sigmund (SE-III:141-156) = Heredity and the Aetiology of the Neuroses.
Freud, Sigmund (SE-III:187-222) = The Aetiology of Hysteria.
Freud, Sigmund (SE-XXIII:255-170) = Constructions in Analysis.
Freud, Sigmund (SE-XXII:209-254) Analysis Terminable and Interminable.
Genfundne erindringer. [Internet version] (2004): Report by Danish Psychiatric Association & Danish Psychologist Association & Child & Adolescent Psychiatric Association.
Gregow, Torkel (1996): Några synpunkter på frågan om bevisprövning och bevisvärdering i mål om sexuella övergrepp mot barn. *Svensk Juristtidning, 81:* 509-523
Guillou, Jan (2002): *Häxornas försvarare.* Stockholm: Pirat-förlaget.
Gumpert, Clara Hellner (2001): *Alleged Child Sexual Abuse: The Expert Witness and the Court*. Stockholm: Karolinska institutet.
Held, Finn (2006): *Når medierne tager magten.* Köbenhavn: Frydenlund.
Hellblom Sjögren, Lena (1997): *Hemligheter och minnen.* [Secrets and Recollections.] Stockholm: Norstedts Juridiska.
Hellbom, Birgit (1994): Ögonvittnesidentifieringar. *Svensk Juristtidning, 79:* 298-309
Hjelmquist, Erland (1999): Yttrande över ansökan om publiceringsbidrag till manuskriptet: "Textanalytisk metodologi i beteendevetenskapliga, historiska och rättslinga sammanhang" av docent Max Scharnberg.
Hjertén von Gedda, Kristina (2005): *Bortom rimligt tvivel.* Stockholm: Fischer & Co.
Holgerson, Astrid & Birgit Hellbom (1991): Vittnespsykologiskt sakkunnigutlåtande. Mål nr. 3938-3939/1990. Kammarrätten i Stockholm. [Witness Psychological Expert Investigation. Cases no. 3938/90 and 3939/90. The Fiscal Court of Appeal in Stockholm.] Stockholm: Laboratory of Witness Psychology, Department of Education, University of Stockholm.
Holgerson, Astrid & Birgit Hellbom (1998): Facts or Fiction as Evidence in Court. A Witness Psychological Analysis of a Swedish Trial of Alleged Cutting-up Murder and Child Sexual Abuse. Stockholm: Studies in Educational Psychology. Stockholm University.
Holgerson, Astrid & Hellbom, Birgit (2001): *Swedish Witness Psychology Applied to the Catrine da Costa Cutting-up Trial.* Internet: The Swedish Foundation of Forensic Psychology.
Huffman, John W. & Dewhurst, C. John & Capraro, Vincent J. (1981): *The Gynecology of Childhood and Adolescence.* Philadelphia: Saunders.

Israëls, Han (1993): Freud and the vulture. *History of Psychiatry, 4:* 577-586
Israëls, Han (1993): *Het geval Freud. Scheppingsverhalen.* Amsterdam: Uitgeverij Bert Bakker.
Israëls, Han (1999): *Der Fall Freud. Die Geburt der Psychoanalyse aus der Lüge.* Hamburg: Europäische Verlagsanstalt.
Israëls, Han & Schatzman, Morton (1993): The Seduction Theory. *History of Psychiatry, 4:* 23-59
Janov, Arthur (1970): *The Primal Scream.* New York: Dell.
Janov, Arthur (1972): *The Primal Revolution.* New York: Simon & Schuster.
Janov, Arthur (1991): *The New Primal Scream.* London: Abacus.
Jägerskiöld, Stig (1987): *Oskuld och arsenik.* [Innocence and Arsenic.] Stockholm: Bonniers.
Katan, Anny (1973): Children who were raped. *The Psychoanalytic Study of the Child, 28:* 208ff.
Kendall-Tacket, Kathleen A. & Meyer Williams, Linda & Finkelhor, David (1993): Impact of Sexual Abuse on Children: A Review and Synthesis of Recent Empirical Studies. *Psychological Bulletin, 113:* 164-280
Kino, Nuri (2003): I vuxnas grepp. *Dagens Nyheter*, 2003-10-04
Kubie, Lawrence S. (1960): Psychoanalysis and scientific method. *Journal of Nervous and Mental Disease, 131:* 495-512
Loftus, Elizabeth (1991): *Witness For the Defense.* New York: St. Martin's Press.
Loftus, Elizabeth (1993): Written testimony in case no. B 328/92 of the district court of Kristianstad, Sweden.
Loftus, Elizabeth & Ketcham, Katherine (1994): *The Myth of Repressed Memory.* New York: St. Martin Press.
Lundgren, Eva (1994): *La de små barn komme till meg.* Oslo: Cappelen.
MacLean, Harry N. (1993): Once Upon a Time. A True Story of Memory, Murder, and the Law. New York: HarperCollins.
Macmillan, Malcolm (1991): *Freud Evaluated: The Completed Arc.* Amsterdam: North Holland.
Macmillan, Malcolm (1997): *Freud Evaluated: the Completed Arc.* 2nd enlarged ed. Cambridge, Mass.: MIT Press.
Mahony, Patrick (1984): *Cries of the Wolf Man.* New York: International Universities Press.
Maini, M. & Ruuth, E. (1985): A holistic approach to the evaluation of children's credibility: An illustration. [stencil] Department of Psychology, Lund University.
Masson, Jeffrey (1984): *The Assault on Truth.* New York: Farrar, Straus and Giroux.
McNally, Richard J. (2003): *Remembering Trauma.* Cambridge, Mass: Belknap Press of Harvard University Press.
Miller, Alice (1983): *Du sollst nicht merken.* Frankfurt am Main: Suhrkamp/KNO.
Mrazek, Patricia Beezley & Mrazek, David A. (1981): The effect of child sexual abuse: Methodological considerations. in: Mrazek, P. B. & Kempe, C. H. (eds.): *Sexually Abused Children and Their Families.* Oxford: Pergamon.
Ofshe Richard & Watters, Ethan (1994): *Making Monsters.* New York: Scribner.
Pendergrast, Mark (1995): *Victims of Memory.* Hinsburg: Upper Access.
Phillips, Shelley (1991): Beyond the Myths. Mother-Daughter Relationships in Psychology, History and Everyday Life. Harmondsworth, Middlesex: Penguin.
Rachman, Stanley & Wilson, G. Terence (1980): *The Effects of Psychological Therapy.* Oxford: Pergamon.
Rantorp, Jette (ed.) (2000): *På den anden side.* Köbenhavn: Pädagogisk Medhjälper Forbund.
Reich, Wilhelm (1942): *Orgasme-funktionen.* Köbenhavn: [Privattryk.]

Salter, Stephanie & Ness, Carol & Godley, Elizabeth (1993): [Many articles on recovered memory therapy] *San Francisco Examiner*, 4-9 April.
San Francisco Examiner, reprint from; April 4-9, 1993 (1993): [Many articles on recovered memory therapy, by Stephanie Salter & Carol Ness & Elizabeth Godley.
Scharnberg, Max (1984): *The Myth of Paradigm-Shift, or How to Lie with Methodology.* Uppsala: Uppsala Studies in Education no. 20
Scharnberg, Max (1993): The Non-Authentic Nature of Freud's Observations. vol. I: The Seduction Theory. vol. II: Felix Gattel's Early Freudian Cases, and the Astrological Origin of the Anal Theory. Uppsala: Uppsala Studies in Education no. 47-48
Scharnberg, Max (1994): *Lögnens psykologi - med tillämpningar inom affärsvärlden.* [Psychology of Lying - with Applications to the Field of Business. Stockholm: Handelshögskolan. (Studier i ekonomisk psykologi no. 122)
Scharnberg, Max (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. vol. II: Cases of Younger Children, Including a Case of Alleged Necrophilia, and the Shortcomings of Judicial Logic. Uppsala: Uppsala Studies in Education no. 64-65
Scharnberg, Max (2001): The Catrine da Costa Cutting-Up Trial: Fifteen Years of Fact and Fiction. *Internet: The Swedish Foundation of Forensic Psychology.*
Scharnberg, Max (2007): Tales From the Vienna Woods. Psychoanalysts' Postulations About Scientific Verification of Their Interpretations. *Internet: International Network of Freud Critics.*
Scharnberg, Max (2008): The Seven Corner Stones of Psychoanalytic Methodology. *Internet: International Network of Freud Critics.*
Sexuella övergrepp mot barn. Allmänna råd från Socialstyrelsen. 1991 no. 3 (1991) Stockholm: Socialstyrelsen.
Sexuella övergrepp mot barn. Allmänna råd från Socialstyrelsen 1991 no. 3 / revised by Monica Dahlström-Lannes. (1993) Stockholm: Socialstyrelsen.
Shanteau, James (1995): Expert Judgement in Financial Decision-Making. Lecture at The First International Stockholm Seminar on Risk Behaviour.
Shengold, Leonard (1963): The Parent as a Sphinx. *Journal of the American Psychoanalytic Association, 11:* 725-751
Sjöberg, Lennart (2003): A case of alleged cutting-up murder in Sweden: legal consequences of public outrage. *The Journal of Credibility Assessment and Witness Psychology, 4*, 37-62 [also available at internet: Swedish Foundation for Forensic Psychology]
Södertäljeflickan (2002): Du raljerar om min tragedi. *Dagens Nyheter*, 2002-09-16
Stekel, Wilhelm (1895): Über Coitus im Kindesalter. *Wiener Medizinische Blätter, 18:* 247-249
Sulloway, Frank J. (1979): *Freud, Biologist of the Mind.* New York: Basic Books.
Terr, Lenore (1994): *Unchained Memories.* New York: Basic Books.
Timpanaro, Sebastiano (1976): *The Freudian Slip.* London: NLB.
Trankell, Arne (1971): *Vittnespsykologins arbetsmetoder.* [The Methodology of Witness Psychology.] Stockholm: Utbildningsförlaget.
Trankell, Arne (1974): *Chef för Grupp Nord.* [Leader of Group North.] Stockholm: Norstedts.
[TV] Degrassy Junior High [TV series started in 1987]
[TV] Innocence Lost: The Verdict, I & II (1993). PBS Film Documenting a Child Sexual Abuse Case ["Little Rascals", North Carolina.] Producer: Ofra Bikel. [also shown in Swedish TV 1994-01-20 and 1994-01-22]

[TV] Kan vi lita på våra domstolar, barns vittnesmål, psykologer och terapeuter? [Can we trust our courts, and testimony by children, psychologists and therapists?] Producent: Frank Hirschfeldt. 1994-01-22.
[TV] Studio S: En skam utan like. [Studio S: An unparalleled ignominy.] (Swedish TV-1, 1982-03-02)
Underwager, Ralph & Wakefield, Hollida (1990): *The Real World of Child Interrogation.* Springfield, Illinois Thomas.
Wakefield, Hollida & Underwager, Ralph (1988): *Accusations of Child Sexual Abuse.* Springfield, Illinois Thomas.
Wakefield, Hollida & Underwager, Ralph (1994): Return of the Furies. An Investigation into Recovered Memory Therapy. Chicago: Open Court.
Waterman, Jill & Kelly, Robert J. & Olivieri, Mary Kay & McCord, Jane (1993): *Behind the Playground Walls. Sexual Abuse in Preschools.* New York: Guilford.
Watters, Ethan & Ofshe, Richard (1999): *Therapy's Delusions.* New York: Scribner.
Webster, Richard (1995): *Why Freud Was Wrong.* London: HarperCollins.
Wilcocks, Robert (1994): Maelzel's Chess Player: Sigmund Freud and the Rhetoric of Deceit. Lanham, MD: Rowman & Littlefield.
Wilcocks, Robert (2000): *Mousetraps and the Moon.* Lanham, Maryland: Lexington Books.
Wilsnack, S. C. & Wonderlich, S. A. & Kristjanson, A. F. & Vogeltanz-Holm, N. D. & Wilsnack, R. W. (2002): Self-reports of forgetting and remembering childhood sexual abuse in a nationally representative sample if US women. *Child Abuse & Neglect, 26* (2):139-147
Yapko, Michael D. (1994): *Suggestions of Abuse.* New York: Simon & Schuster.

Elsewhere:
Photo of Linda’s breast for chapter 35.